

Agenda

Board of Commissioners Regular Meeting

7:00 PM December 12, 2022

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

This meeting will be live streamed on the

[Town of Hillsborough YouTube channel](#)



1. Public charge

The Hillsborough Board of Commissioners pledges to the community of Hillsborough its respect. The board asks community members to conduct themselves in a respectful, courteous manner with the board and with fellow community members. At any time should any member of the board or attendee fail to observe this public charge, the mayor or the mayor's designee will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the mayor or mayor's designee will recess the meeting until such time that a genuine commitment to the public charge is observed.

2. Audience comments not related to the printed agenda

3. Agenda changes and approval

4. Appointments

[A.](#) Tourism Board – Appointment of Megan Kimball with term ending May 9, 2024

5. Items for decision – consent agenda

[A.](#) Minutes

- Regular meeting Nov. 14, 2022
- Work session Nov. 28, 2022
- Work session closed session Nov. 28, 2022

[B.](#) Miscellaneous budget amendments and transfers

[C.](#) Community Development Block Grant-Coronavirus Quarterly Report

[D.](#) Classification and pay amendment

[E.](#) Unified Development Ordinance text amendment - Section 6.5 Buffers; Sub-Section 6.5.7.2 Exceptions (Railroad Buffers)

[F.](#) Resolution Accepting a Donation to Help Fund Improvements to the Outdoor Areas of the Town Hall Campus to Encourage and Enhance Public Use

6. Items for decision - regular agenda

[A.](#) Request from Corbinton Commons HOA regarding plowing of streets in advance of street dedication

[B.](#) Annexation and General Use Rezoning - request from the Town of Hillsborough to:

- Annex approx. 19.5 ac consisting of OC PIN 9874132066
- Rezone approx. 6.62 ac of that parcel from AR to LO (train station area)
- Keep the remaining 12.88 ac zoned AR

[C.](#) General Use Rezoning- Owls Woods (1700 NC 86 South, OC PIN 9874429362); Limited Office to High Intensity Commercial

[D.](#) General Use Rezoning and Future Land Use Plan Amendment - 1220 NC 57, OC PIN 9875075617; Business Park to Office and Institutional and Update the Future Land Use Map from Light Industrial to Suburban Office

[E.](#) Unified Development Ordinance text amendment - Section 6.7.5 Fenestration

101 E. Orange St., PO Box 429, Hillsborough NC 27278
919-732-1270 | www.hillsboroughnc.gov | @HillsboroughGov

F. Review of town code amendments related to appointed board procedures

7. Updates

- A. Board members
- B. Town manager
- C. Staff (written reports in agenda packet)

8. Closed session

- A. Closed session as authorized by North Carolina General Statute Section 143-318.11 (a)(6) regarding personnel matters (town manager's evaluation)

9. Adjournment

Interpreter services or special sound equipment for compliance with the Americans with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Planning and Econ. Dev.
Agenda Section: Appointments
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Tourism Board – Appointment of Megan Kimball with term ending May 9, 2024

Attachments:

Appointed Boards Application

Summary:

The Alliance for Historic Hillsborough Board has recommended appointment of Megan Kimball to the Alliance seat on the Hillsborough Tourism Board. Ms. Kimball will be replacing Cathleen Turner, whose term on the Alliance's board has ended. Ms. Kimball will serve the remainder of Ms. Turner's term which ends May 9, 2024. Ms. Kimball has previously served on the Historic District Commission.

Financial impacts:

None outside of occasional training.

Staff recommendation and comments:

None.

Action requested:

Appointment of Megan Kimball to the Hillsborough Tourism Board with a term ending May 9, 2024.



TOWN OF HILLSBOROUGH

Appointed Boards Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

The town strives to reflect the diversity of its residents in the makeup of its boards. Demographics and residence location are considered during the appointment process.

First name (required):

Megan

Last name (required):

Kimball

Home address (required):

129 Murdock Drive, Hillsborough

Home phone number:

Work phone number:

Email address (required):

megantkimball@gmail.com

Place of employment:

Job title:

Birth date (required):

June 13, 1986

Gender (required):

Female

Ethnic origin (check all that apply) (required):

White

First choice (required):

Tourism Board

Second choice (required):

None

Third choice (required):

None

Reasons for wanting to serve (required):

I am currently the chair of the Alliance for Historic Hillsborough, and I would like to serve on the Tourism board as a representative of the Alliance.

Have you served or are you currently serving on a town board? If so, which ones and when? (required)?

Yes--I was on the HDC from 2018 (or 2019?) to January 2022.

Relevant work, volunteer or educational experience (required):

As mentioned above, I volunteered on the HDC for a few years, and I am the chair of the Alliance for Historic Hillsborough. I have been on the Alliance board since 2020, first as a representative of the HDC and then an at-large

member. Professionally, I'm a staff attorney at the Southern Environmental Law Center.

How are you connected to Hillsborough (live, work, play, shop, own property) (required)?

I live in Hillsborough, where I also play, shop, and own property.

Have you reviewed the Vision 2030 plan, and what are your thoughts about it (required)?

Yes, I would like Hillsborough to grow in a sustainable way that honors its past while setting it up for continued future success. Equity and climate should be key focuses.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

Yes, Hillsborough should focus on smart, slow growth and avoid sprawling development and road widening, which will only exacerbate climate and equity issues.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve (required)?

As I mention above, I think equity and climate are major challenges. The Tourism Board is well positioned to address both in its own way, by planning diverse events and building community, as it has been doing for many years.

How did you hear about this opportunity (required)?

Current volunteer

Check the box to confirm (required):

✓



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Dec. 12, 2022
Department:	Town Clerk
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Town Clerk Sarah Kimrey

ITEM TO BE CONSIDERED

Subject: Minutes

Attachments:

1. Regular meeting Nov. 14, 2022
2. Work session Nov. 28, 2022
3. Work session closed session Nov. 28, 2022

Summary:

None.

Financial impacts:

None.

Staff recommendation and comments:

Approve minutes as presented.

Action requested:

To approve minutes of the Board of Commissioners regular meeting Nov. 14, 2022, work session Nov. 28, 2022 and work session closed session Nov. 28, 2022.



Minutes

Board of Commissioners Regular Meeting

7 p.m. Nov. 14, 2022

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Jenn Weaver and commissioners, Robb English, Kathleen Ferguson, Matt Hughes, and Evelyn Lloyd

Absent: Commissioner Mark Bell

Staff: Human Resources Manager Haley Bizzell, Planning and Economic Development Manager Shannan Campbell, Budget and Management Analyst Josh Fernandez, Police Major Andy Simmons, Assistant Town Manager and Community Services Director Margaret Hauth, Town Attorney Bob Hornik, Town Manager Eric Peterson, Communications Specialist Cheryl Sadgrove, Utilities Director Marie Strandwitz, and Interim Finance Director Melissa Bishop

Opening of the meeting

Mayor Jenn Weaver called the meeting to order at 7:01 p.m.

1. Public charge

Weaver did not read the public charge.

2. Audience comments not related to the printed agenda

There was none.

3. Agenda changes and approval

Move item 6E from consent to 7E for discussion.

A motion was made to approve the agenda as amended.

Motion made by Commissioner Kathleen Ferguson, seconded by Commissioner Matt Hughes.

Voting Yea: Commissioners Robb English, Ferguson, Hughes and Evelyn Lloyd.

4. Presentations

A. Completion of 2022 Government 101

Communications Specialist Cheryl Sadgrove briefly shared highlights from the Government 101 program, which took place earlier in the fall.

B. FY22 Employee Innovation, Customer Service and Endurance Awards

Town Manager Eric Peterson gave a presentation on the FY22 awards.

C. Orange County Transit Plan Update

Community Services Director Margaret Hauth gave a brief update on the transit plan.

5. Appointments

A. Tourism Board - Reappointment of Barry Hupp for a term expiring Nov. 14, 2024

B. Planning Board - Appointment of Robert Iglesias for a term expiring Nov. 30, 2023

C. Parks and Recreation - Appointment of Adam McGovern for a term ending Nov. 30, 2025

A motion was made to approve appointments as presented.

Motion made by Commissioner Ferguson, seconded by Commissioner Hughes.

Voting Yea: Commissioners English, Ferguson, Hughes and Lloyd

6. Items for decision – consent agenda

A. Minutes

- Work session Aug. 22, 2022 (amended)
- Regular meeting Oct. 10, 2022
- Regular meeting closed session Oct. 10, 2022
- Work Session Oct. 24, 2022 (canceled)

B. Miscellaneous budget amendments and transfers

C. Special Event Permit - Hillsborough Arts Council Solstice Lantern Walk

D. Secondary Road Right of Way Approval to Transfer Drainage and Right of Way to NCDOT

~~E. Water and Sewer Extension Contract for Tryon III Project~~

F. Proclamation - Arbor Day 2022

A motion was made to approve the consent agenda as amended.

Motion made by Commissioner Ferguson, seconded by Commissioner English.

Voting Yea: Commissioners English, Ferguson, Hughes, and Lloyd

7. Items for decision - regular agenda

A. Letter of interest for contiguous annexation - Capkov 'Waterstone South'

Presenters: Dan Jewell with Thomas and Hutton (formerly CJT) and Eric Chupp with Capkov Ventures

Planning and Economic Development Manager Shannan Campbell reviewed that this would be an assemblage of property and some of it would be contiguous with the town limits.

Jewell noted that the number of residential units now proposed was a reduction from the number he had proposed in May. The proposal includes 40,000 square feet of commercial space. He noted other specifics including that the developers could eliminate the need for the Alice Wood pump station, replace the Nazarene pump station and install new sewer lines along N.C. 86 South to New Hope Elementary School. He said no homes would be ready for occupancy before upgrades are made to the Elizabeth Brady pump station.

Chupp said he has talked with CASA and Habitat for Humanity about the affordable housing component. He added that Orange County is interested in seeing soccer fields included in this development.

Utilities Director Marie Strandwitz said she likes the proposed utilities upgrades. She noted there are other projects coming online that will need water and sewer services.

Town Manager Eric Peterson encouraged the board to think about whether this proposal fits with the board's vision for Hillsborough. He added that the financial projections provided by Lucy Gallow for the developer look right to him and he is familiar with her work.

Hughes asked about the mobile home park on Phoebe Drive. Chupp answered that he had spoken with the owner about the mobile home park while purchasing 50 acres from him and got assurances that the owner wanted to continue to manage the mobile home park.

English noted that Hillsborough could use the 10 recreational acres proposed in the development.

Chupp added that this development may spur more commercial development in Waterstone.

Campbell said her first thought is that more infill development should take place before this land is developed, but she likes the proposal.

A motion was made to direct developer to move forward with annexation and invite applications.

Motion made by Commissioner Ferguson, seconded by Commissioner English.

Voting Yea: Commissioners English, Ferguson, Hughes, and Lloyd

- B. Letter of interest for contiguous annexation - Gatewood Property
Presenters: Jen Spada co-owner of House at Gatewood property and restaurant, Kevin Wade with Blue Heron

Spada proposed developing 300 apartments on the property. She explained the economic difficulties of building out the property with the restaurant and distillery components as previously approved.

Wade added that the Gatewood House could become the community center for the neighborhood.

The mayor and commissioners indicated that the board does not think it would be a good idea to concentrate dense residential growth on that property. The property owners were directed to talk with the town's Planning staff regarding options for continuing to develop the property commercially.

- C. Discussion of streetlight acceptance along dedicated public streets

A motion was made to direct staff to develop policy with option 2.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

Voting Yea: Commissioners English, Ferguson, Hughes and Lloyd

- D. Water and Sewer Extension Contract for Tryon III Project

The board discussed its policy regarding accepting dedication of streetlights along dedicated public streets. The board has traditionally only accepted responsibility for streetlights that are simple streetlight fixtures mounted on wooden poles. Developers of neighborhoods have installed a variety of light poles and light fixtures in recent years. The board directed staff to develop standards for streetlights as part of the development review process and a policy that would include accepting only the cobra light fixtures that the town specified to Duke Energy during the LED conversion.

A motion was made to authorize town manager to execute the contract for the public sewer main.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

Voting Yea: Commissioners English, Ferguson, Hughes and Lloyd

- E. Hot topics for work session Nov. 28, 2022

At the work session scheduled for Nov. 28, 2022, the board expects the following items:

- Orange County Schools 2021-2026 Strategic Plan presentation
- Train Station design update
- Strategic Plan
- Community safety meeting concept

8. Updates

A. Board members

Board members gave updates on the committees and boards on which they serve.

B. Town manager

There was none.

C. Staff (written reports in agenda packet)

There were no additional reports.

9. Adjournment

Mayor Weaver adjourned the meeting at 10:26 p.m.

Respectfully submitted,

Sarah Kimrey

Town Clerk

Staff support to the Board of Commissioners

DRAFT

FY 2022-2023

TOWN OF HILLSBOROUGH BUDGET CHANGES REPORT

DATES: 11/14/2022 TO 11/14/2022

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
GF	10-00-9990-5300-000 CONTINGENCY						
Contingency	To re-budget PD reno funds in FY23	27858	11/14/2022	EBRADFORI	300,000.00	-10,000.00	261,713.00
	To cover Facility Coord. truck	27865	11/14/2022	EBRADFORI	300,000.00	-10,610.00	251,103.00
	To cover workers comp insurance	27873	11/14/2022	EBRADFORI	300,000.00	-1,221.00	249,882.00
	To cover Facility Coordinator vehicle	27876	11/14/2022	EBRADFORI	300,000.00	-1,045.00	248,837.00
	To cover cost of Streets truck	27941	11/14/2022	EBRADFORI	300,000.00	-274.00	248,563.00
	To cover truck cost increase	27944	11/14/2022	EBRADFORI	300,000.00	-23,000.00	225,563.00
	To cover 2 police vehicles	27980	11/14/2022	EBRADFORI	300,000.00	-88,000.00	137,563.00
	To cover W&S veh repair	27982	11/14/2022	EBRADFORI	300,000.00	-5,000.00	132,563.00
Admin Services	10-10-4200-5300-540 INSURANCE						
	To cover workers comp insurance	27872	11/14/2022	EBRADFORI	341,400.00	1,221.00	342,621.00
Admin Services	10-10-4200-5300-570 MISCELLANEOUS						
	To cover Customer Service and Innovatio	27937	11/14/2022	JFernandez	31,253.00	-3,005.50	25,733.62
	To cover Customer Service and Innovatio	27984	11/14/2022	JFernandez	31,253.00	-30.00	25,703.62
Admin Services	10-10-4200-5300-580 CUSTOMER SERVICE & INNOVATION AWARD						
	To cover Customer Service and Innovatio	27936	11/14/2022	JFernandez	7,000.00	3,005.50	10,005.50
	To cover Customer Service and Innovatio	27983	11/14/2022	JFernandez	7,000.00	30.00	10,035.50
Planning	10-10-4900-5300-320 SUPPLIES - OFFICE						
	To cover office supply expenses	27882	11/14/2022	EBRADFORI	0.00	1,000.00	1,300.00
Planning	10-10-4900-5300-330 SUPPLIES - DEPARTMENTAL						
	To cover office supply expenses	27881	11/14/2022	EBRADFORI	1,800.00	-1,000.00	100.00
Facilities Mgmt	10-10-5000-5300-583 MISC-TAX, TAGS, ETC.						
	To cover Facility Coordinator vehicle	27875	11/14/2022	EBRADFORI	0.00	1,045.00	2,245.00
Facilities Mgmt	10-10-5000-5700-740 CAPITAL - VEHICLES						
	To cover Facility Coord. truck	27864	11/14/2022	EBRADFORI	0.00	10,610.00	58,610.00
Police	10-20-5100-5300-080 TRAINING/CONF./CONV.						
	To cover uniforms	27870	11/14/2022	EBRADFORI	26,900.00	-6,000.00	20,900.00
Police	10-20-5100-5300-161 MAINTENANCE - VEHICLES						
	To cover vehicle graphics	27869	11/14/2022	EBRADFORI	1,000.00	2,500.00	3,500.00
Police	10-20-5100-5300-350 UNIFORMS						
	To cover uniforms	27871	11/14/2022	EBRADFORI	17,940.00	6,000.00	24,855.30
Police	10-20-5100-5300-574 MISC. - POLICE DOG						
	To cover K-9 expenses	27857	11/14/2022	EBRADFORI	4,080.00	250.00	4,330.00
Police	10-20-5100-5300-583 MISC.-AUTO TAGS/TAX						
	To cover 2 police vehicles	27979	11/14/2022	EBRADFORI	250.00	3,000.00	3,250.00
Police	10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS						
	To cover K-9 expenses	27856	11/14/2022	EBRADFORI	5,000.00	-250.00	4,750.00
Police	10-20-5100-5700-735 CAPITAL - BUILDINGS & IMPROVEMENTS						
	To rebudget PD reno funds in FY23	27855	11/14/2022	EBRADFORI	0.00	10,000.00	40,960.00
Police	10-20-5100-5700-740 CAPITAL - VEHICLES						
	To cover vehicle graphics	27868	11/14/2022	EBRADFORI	90,000.00	-2,500.00	97,330.49
	To cover 2 police vehicles	27978	11/14/2022	EBRADFORI	90,000.00	85,000.00	182,330.49
Fleet	10-30-5550-5300-201 VEHICLE REPAIR - WATER & SEWER						
	To cover W&S veh repair	27981	11/14/2022	EBRADFORI	40,000.00	5,000.00	45,000.00

JFernandez
fl142r03

11/07/2022 11:05:03AM

Page 1 of 3

FY 2022-2023

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT
DATES: 11/14/2022 TO 11/14/2022

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
Streets	10-30-5600-5700-740 CAPITAL - VEHICLES To cover cost of Streets truck	27942	11/14/2022	EBRADFORI	0.00	274.00	187,843.70
Solid Waste	10-30-5800-5700-740 CAPITAL - VEHICLES To cover truck cost increase	27943	11/14/2022	EBRADFORI	0.00	23,000.00	387,845.76
Utilities Admin	30-80-7220-5300-080 TRAINING/CONF./CONV. To est training for Envir Eng Supr	27966	11/14/2022	EBRADFORI	3,900.00	2,500.00	6,400.00
Utilities Admin	30-80-7220-5300-110 TELEPHONE/INTERNET To est telephone for Envir Eng Supr	27967	11/14/2022	EBRADFORI	2,520.00	630.00	3,150.00
Utilities Admin	30-80-7220-5300-113 LICENSE FEES To cover Autocad license fee	27968	11/14/2022	EBRADFORI	5,000.00	2,550.00	7,550.00
Utilities Admin	30-80-7220-5300-320 SUPPLIES - OFFICE To est office supplies for Envir Eng Supr	27969	11/14/2022	EBRADFORI	750.00	2,700.00	3,590.87
Utilities Admin	30-80-7220-5300-331 SUPPLIES - SAFETY To est safety supplies for Envir Eng Supr	27971	11/14/2022	EBRADFORI	0.00	100.00	100.00
Utilities Admin	30-80-7220-5300-350 UNIFORMS To est Uniforms for Envir Eng Supr	27972	11/14/2022	EBRADFORI	200.00	200.00	400.00
Utilities Admin	30-80-7220-5300-530 DUES & SUBSCRIPTIONS To est Dues for Envir Eng Supr	27973	11/14/2022	EBRADFORI	7,420.00	500.00	7,920.00
Utilities Admin	30-80-7220-5300-570 MISCELLANEOUS To est Misc. for Envir Eng Supr	27974	11/14/2022	EBRADFORI	3,600.00	200.00	23,800.00
	To cover dept'l meetings	27977	11/14/2022	EBRADFORI	3,600.00	500.00	24,300.00
W. Fork Eno	30-80-8130-5300-158 MAINTENANCE - EQUIPMENT To cover overage from new flow transmitt	27867	11/14/2022	JFernandez	500.00	3,000.00	12,974.00
Water Dist	30-80-8140-5100-020 SALARIES To allocate expenses	27951	11/14/2022	EBRADFORI	393,583.00	65,185.00	458,768.00
Water Dist	30-80-8140-5100-021 PERSONNEL EXPANSION - SALARIES To allocate expenses	27949	11/14/2022	EBRADFORI	65,185.00	-65,185.00	0.00
Water Dist	30-80-8140-5300-080 TRAINING/CONF./CONV. To allocate expenses	27959	11/14/2022	EBRADFORI	5,000.00	500.00	5,500.00
Water Dist	30-80-8140-5300-110 TELEPHONE/INTERNET To allocate expenses	27960	11/14/2022	EBRADFORI	4,680.00	840.00	5,520.00
Water Dist	30-80-8140-5300-310 GASOLINE To allocate expenses	27952	11/14/2022	EBRADFORI	20,535.00	4,420.00	24,955.00
Water Dist	30-80-8140-5300-320 SUPPLIES - OFFICE To allocate expenses	27953	11/14/2022	EBRADFORI	2,000.00	150.00	2,150.00
Water Dist	30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL To allocate expenses	27954	11/14/2022	EBRADFORI	102,000.00	3,000.00	110,470.92
Water Dist	30-80-8140-5300-338 SUPPLIES - DATA PROCESSING To allocate expenses	27955	11/14/2022	EBRADFORI	0.00	1,000.00	1,000.00
Water Dist	30-80-8140-5300-350 UNIFORMS To allocate expenses	27956	11/14/2022	EBRADFORI	5,600.00	200.00	5,800.00
Water Dist	30-80-8140-5300-530 DUES & SUBSCRIPTIONS To allocate expenses	27957	11/14/2022	EBRADFORI	3,100.00	100.00	3,200.00

JFernandez
fl142r03

11/07/2022 11:05:03AM

Page 2 of 3

FY 2022-2023

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT
DATES: 11/14/2022 TO 11/14/2022

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
Water Dist	30-80-8140-5300-583 MISC.-TAX, TAGS, ETC.						
	To move to WW Collection	27947	11/14/2022	EBRADFORI	0.00	-3,050.00	2,200.00
	To allocate expenses	27958	11/14/2022	EBRADFORI	0.00	250.00	2,450.00
	To move to WW Collection	27961	11/14/2022	EBRADFORI	0.00	-250.00	2,200.00
Water Dist	30-80-8140-5300-600 PERSONNEL EXPANSION - OP COSTS						
	To allocate expenses	27950	11/14/2022	EBRADFORI	10,460.00	-10,460.00	0.00
Water Dist	30-80-8140-5700-740 CAPITAL - VEHICLES						
	To move to WW Collection	27945	11/14/2022	EBRADFORI	50,000.00	-125,480.00	0.95
WW Collect	30-80-8200-5300-583 MISC.-TAX, TAGS, ETC.						
	To move from W Distribution	27948	11/14/2022	EBRADFORI	0.00	3,050.00	5,300.00
	To move from W Distribution	27962	11/14/2022	EBRADFORI	0.00	250.00	5,550.00
	To cover cost increases	27963	11/14/2022	EBRADFORI	0.00	1,000.00	6,550.00
WW Collect	30-80-8200-5700-740 CAPITAL - VEHICLES						
	To move from W. Distribution	27946	11/14/2022	EBRADFORI	0.00	125,480.00	125,480.00
	To cover cost increases	27964	11/14/2022	EBRADFORI	0.00	5,000.00	130,480.00
W&S Contingency	30-80-9990-5300-000 CONTINGENCY						
	To cover overage from new flow transmitt	27866	11/14/2022	JFernandez	400,000.00	-3,000.00	293,410.00
	To cover cost increases	27965	11/14/2022	EBRADFORI	400,000.00	-6,000.00	287,410.00
	To est oper expenses for Envir Eng Supr	27975	11/14/2022	EBRADFORI	400,000.00	-9,380.00	278,030.00
	To cover dept'l meetings	27976	11/14/2022	EBRADFORI	400,000.00	-500.00	277,530.00
Storm- water	35-30-5900-5300-570 MISCELLANEOUS						
	To cover Customer Service and Innovatio	27939	11/14/2022	JFernandez	24,874.00	-200.00	24,674.00
	To cover Customer Service and Innovatio	27986	11/14/2022	JFernandez	24,874.00	-30.00	24,644.00
Storm- water	35-30-5900-5300-580 CUSTOMER SERVICE & INNOVATION AWARD						
	To cover Customer Service and Innovatio	27938	11/14/2022	JFernandez	0.00	200.00	200.00
	To cover Customer Service and Innovatio	27985	11/14/2022	JFernandez	0.00	30.00	230.00
						<u>0.00</u>	

APPROVED: 4/0

DATE: 11/14/22

VERIFIED: _____

John E. Kimrey



PROCLAMATION

Arbor Day

Nov. 16, 2022

WHEREAS, in 1872, J. Sterling Morton, who would become Secretary of Agriculture under President Grover Cleveland, proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees; and

WHEREAS, the resulting holiday – Arbor Day, was first observed in that State with the planting of more than one million trees and is now observed throughout the nation and the world; and

WHEREAS, trees are renewable resources that yield fruit and nuts for food and profit, wood for construction, fuel for warmth, paper products and a variety of other goods and materials; and

WHEREAS, trees intercept storm water, reduce runoff and erosion, clean air and water, produce oxygen, slow climate change by absorbing carbon dioxide, provide habitat for wildlife, and moderate air temperature; and

WHEREAS, when properly selected and tended appropriately, trees increase property values, enhance economic vitality and business districts, provide buffers from traffic and are a source of joy and spiritual renewal; and

WHEREAS, the Town of Hillsborough achieved Tree City USA status in 1983 and has received the Outstanding Tree Board Urban Forestry Award by the N.C. Urban Forest Council while continuing to maintain and improve our urban forest by the planting of additional trees to enhance our community; and

WHEREAS, Arbor Day reminds us of the timeless observation by its founder, J. Sterling Morton, that “Each generation takes the Earth as trustees”;

NOW, THEREFORE, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim Nov. 16, 2022, as **Arbor Day** in the Town of Hillsborough and urge all residents to support efforts to protect our trees and woodlands and encourage the community to plant trees to promote the well-being of this and future generations because a healthy urban forest can bring a sense of vibrancy or respite, adventure or calm and escape or contentment, amidst asphalt and concrete.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 14th day of November in the year 2022.



Jenn Weaver, Mayor
Town of Hillsborough



Minutes

Board of Commissioners Work Session

7 p.m. Nov. 28, 2022

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Jenn Weaver and commissioners Mark Bell, Robb English, Kathleen Ferguson, Matt Hughes, and Evelyn Lloyd

Staff: Administrative Services Director Jen Della Valle, Budget and Management Analyst Josh Fernandez, Police Chief Duane Hampton, Assistant Town Manager and Community Services Director Margaret Hauth, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Communications Specialist Cheryl Sadgrove, Public Space and Sustainability Manager Stephanie Trueblood and Communications Manager Catherine Wright

1. Opening of the work session

Mayor Jenn Weaver opened the work session at 7 p.m.

2. Agenda changes and approval

Remove Item 3.A Orange County Schools Strategic

A motion was made to approve the agenda as amended.

Motion made by Commissioner Matt Hughes, seconded by Commissioner Kathleen Ferguson.

Voting Yea: Commissioners Robb English, Ferguson and Hughes

Absent: Commissioners Mark Bell and Evelyn Lloyd

3. Presentations

A. ~~Orange County Schools Strategic Plan~~

4. Appointments

A. Historic District Commission - Appointment of Mathew Palmer for a term expiring Nov. 30, 2025

B. Historic District Commission - Appointment of Gary Miller for a term expiring Nov. 30, 2025

A motion was made to approve both appointments.

Motion made by Commissioner Ferguson, seconded by Commissioner Hughes.

Voting Yea: Commissioners English, Ferguson and Hughes

Absent: Commissioners Bell and Lloyd

5. Items for decision - consent agenda

A. Miscellaneous budget amendments and transfers

A motion was made to approve both appointments.

Motion made by Commissioner Ferguson, seconded by Commissioner Hughes.

Voting Yea: Commissioners English, Ferguson and Hughes

Absent: Commissioners Bell and Lloyd

Commissioner joined the meeting at Bell 7:02 p.m.

6. In-depth discussion and topics

A. Update on Train Station Design

Commissioner Lloyd joined the meeting at 7:06 p.m.

Fred Belledin from Clearscapes gave a presentation on the proposed design for the train station.

The mayor and commissioners expressed satisfaction with the design, especially the sustainable elements.

Public Space and Sustainability Manager Stephanie Trueblood noted that the board room would be used by the public for community meetings. She added that the board soon will need to consider what other development they are interested in seeing on the greater site.

B. Potential Engagement Meeting on Safety

Trueblood presented plans for a community safety meeting in April that would include staff from multiple town departments. If the meeting format worked well, there would likely be a similar meeting each fall to help inform budget decisions.

A motion was made to authorize the proposed engagement strategy.

Motion made by Commissioner Bell, seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

C. Strategic Plan Update

Administrative Services Director Jen Della Valle shared continued efforts to refine the draft strategic plan.

D. Fiscal Year 2024 Budget Retreat discussion

The board expressed interest in holding the retreat on Saturday, Jan. 28.

7. Committee updates and reports

Board members gave updates on the committees and boards on which they serve.

A motion was made to enter closed session at 9 p.m.

Motion made by Commissioner Hughes seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

8. Closed Session

- A. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (a)(6) regarding personnel matters**

A motion was made to return to open session at 9:30 p.m.

Motion made by Commissioner Hughes seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

A motion was made to remove Scott Taylor from the planning board for lapse in attendance at planning board meetings.

Motion made by Commissioner Hughes seconded by Commissioner Ferguson.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

9. Adjournment

Mayor Weaver adjourned the meeting at 9:32 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2022-2023

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 11/28/2022 TO 11/28/2022

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
GF	10-00-9990-5300-000 CONTINGENCY						
Contingency	To cover diesel storage tank	27999	11/28/2022	EBRADFORI	300,000.00	-12,500.00	120,063.00
Police	10-20-5100-5300-145 MAINTENANCE - BUILDINGS						
	To cover office furniture	27990	11/28/2022	EBRADFORI	36,613.00	-1,500.00	35,113.00
Police	10-20-5100-5300-320 SUPPLIES - OFFICE						
	To cover office furniture	27991	11/28/2022	EBRADFORI	5,000.00	1,500.00	6,500.00
Police	10-20-5100-5300-460 C.S./DRIVER SAFETY TRAINING						
	To cover vet expenses	27987	11/28/2022	EBRADFORI	4,000.00	-1,500.00	2,500.00
Police	10-20-5100-5300-574 MISC. - POLICE DOG						
	To cover vet expenses	27988	11/28/2022	EBRADFORI	4,080.00	1,500.00	5,830.00
Streets	10-30-5600-5300-165 MAINTENANCE - INFRASTRUCTURE						
	To move pavement striping to Maint-Infra	28001	11/28/2022	EBRADFORI	0.00	5,000.00	5,000.00
Streets	10-30-5600-5300-330 SUPPLIES - DEPARTMENTAL						
	To move pavement striping to Maint-Infra	28000	11/28/2022	EBRADFORI	29,500.00	-5,000.00	24,500.00
Solid Waste	10-30-5800-5300-112 POSTAGE						
	To cover mailing	27994	11/28/2022	EBRADFORI	750.00	100.00	850.00
	To cover bulk mailing fee	27996	11/28/2022	EBRADFORI	750.00	275.00	1,125.00
Solid Waste	10-30-5800-5300-570 MISCELLANEOUS						
	To cover mailing	27995	11/28/2022	EBRADFORI	1,000.00	-100.00	900.00
	To cover bulk mailing fee	27997	11/28/2022	EBRADFORI	1,000.00	-275.00	625.00
Solid Waste	10-30-5800-5700-741 CAPITAL - EQUIPMENT						
	To cover diesel storage tank	27998	11/28/2022	EBRADFORI	0.00	12,500.00	12,500.00
WWTP	30-80-8220-5300-323 SUPPLIES - CHEMICALS						
	To cover external lab costs.	27992	11/28/2022	JFernandez	92,500.00	-250.00	92,250.00
WWTP	30-80-8220-5300-340 OUTSIDE LAB SERVICES						
	To cover external lab costs.	27993	11/28/2022	JFernandez	18,100.00	250.00	18,350.00
						<u>0.00</u>	

APPROVED: 3/0

DATE: 11/28/22

VERIFIED: Sam E. Kimrey



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Administration
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Emily Bradford, Budget Director

ITEM TO BE CONSIDERED

Subject: Miscellaneous budget amendments and transfers

Attachments:

Budget Changes Report

Summary:

To adjust budget revenues and expenditures, where needed, due to changes that have occurred since budget adoption.

Financial impacts:

As indicated by each amendment.

Staff recommendation and comments:

To approve the attached list of budget amendments and transfers.

Action requested:

Consider approving budget amendments and transfers.

FY 2022-2023

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 12/12/2022 TO 12/12/2022

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
GF-	10-00-9990-5300-000 CONTINGENCY						
Contingency	To cover insurance	28012	12/12/2022	EBRADFORD	300,000.00	-2,101.00	117,962.00
	To cover continued consulting assistance.	28016	12/12/2022	JFernandez	300,000.00	-45,000.00	72,962.00
	To cover accounting assistance	28037	12/12/2022	EBRADFORD	300,000.00	-30,000.00	42,962.00
Admin.	10-10-4200-5300-080 TRAINING/CONF./CONV.						
	To cover postage	28013	12/12/2022	EBRADFORD	19,240.00	-200.00	30,928.80
Admin.	10-10-4200-5300-112 POSTAGE						
	To cover postage	28014	12/12/2022	EBRADFORD	300.00	200.00	500.00
Admin.	10-10-4200-5300-540 INSURANCE						
	To cover insurance	28011	12/12/2022	EBRADFORD	341,400.00	2,101.00	344,722.00
Accounting	10-10-4400-5300-459 C.S./ACCOUNTING ASSISTANCE						
	To cover continued consulting assistance.	28015	12/12/2022	JFernandez	25,200.00	45,000.00	140,324.16
	To cover accounting assistance	28036	12/12/2022	EBRADFORD	25,200.00	30,000.00	170,324.16
Utilities	30-80-7220-5300-112 POSTAGE						
Admin	To fund Postage account	28009	12/12/2022	EBRADFORD	0.00	100.00	100.00
Utilities	30-80-7220-5300-338 SUPPLIES - DATA PROCESSING						
Admin	To fund Postage account	28010	12/12/2022	EBRADFORD	1,700.00	-100.00	1,600.00
WTP	30-80-8120-5300-350 UNIFORMS						
	To cover winter clothing for Water Plant s	28005	12/12/2022	JFernandez	1,500.00	488.06	1,988.06
WTP	30-80-8120-5300-570 MISCELLANEOUS						
	To cover winter clothing for Water Plant s	28004	12/12/2022	JFernandez	1,200.00	-488.06	711.94
Water	30-80-8140-5300-154 MAINTENANCE - GROUNDS						
Distribution	For clearing of sewer easements.	28002	12/12/2022	JFernandez	33,000.00	-2,000.00	31,000.00
Water	30-80-8140-5300-326 SUPPLIES - PATCH						
Distribution	To cover driveway repair contractor.	28007	12/12/2022	JFernandez	6,000.00	4,000.00	10,000.00
WW	30-80-8200-5300-154 MAINTENANCE - GROUNDS						
Collection	For clearing of sewer easements.	28003	12/12/2022	JFernandez	33,000.00	2,000.00	35,000.00
WW	30-80-8200-5300-326 SUPPLIES - PATCH						
Collection	To cover driveway repair contractor.	28006	12/12/2022	JFernandez	20,000.00	-4,000.00	16,000.00
						<u>0.00</u>	



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Community Services
Agenda Section: Consent
Public hearing: No
Date of public hearing:

PRESENTER/INFORMATION CONTACT

Margaret Hauth, Assistant Town Manager

ITEM TO BE CONSIDERED

Subject: Community Development Block Grant-Coronavirus Quarterly Report

Attachments:

2022 Quarter 2 report (April – June)

Summary:

Sharing these reports with the elected board is required on a quarterly basis. There is still strong demand for housing assistance in the county. The county has struggled to maintain staffing. They have prioritized providing aid to residents over reporting and seeking reimbursement from the towns, so the information I can provide is dated.

Financial impacts:

Staff recommendation and comments:

We received three updates/advice from the state that improve the town's ability to complete this grant in full compliance with program requirements:

- 1) Federal guidelines still consider housing instability a risk related to COVID so general housing instability is an adequate tie to COVID to allow households to qualify for this assistance.
- 2) The town will be asking that the assistance cap of \$6,500 that was removed effective in October 2021, be extended retroactively to align with Orange County's removal in August. As they administer our program, this alignment is helpful to the public and for our spend-down rate.
- 3) The town will be asking for an extension to our program to allow us to continue spending our funding allocation. We will start with an extension to December 2023, with the possibility to extend further, if needed. The extension also allows Hillsborough residents to access aid without the town providing general funds.

Action requested:

Receive report.



Quarterly Report

Community Development Block Grant-Coronavirus

No. 20-V-3528

Emergency Housing Assistance

Quarter:		April 2022-June 2022	
Total Amount of Funds Disbursed:		\$78,100.18	
Payments for Hillsborough Residents:		\$71,000.16	
Administration Costs:		\$7,100.02	
Number of Households Assisted:		15	
Average Amount of Assistance Per Household:		\$4,733.34	

DEMOGRAPHICS

Applicant Race	Count	% of Total	Applicant Ethnicity	Count	% of Total
Asian	0	0.0%	Hispanic and/or Latinx	0	0.0%
Black/African American	26	65.0%	Not Hispanic and/or Latinx	40	100.0%
Multiracial/Other	0	0.0%	Unknown	0	0.0%
White/Caucasian	14	35.0%		40	100.0%
Unknown	0	0.0%			
	40	100.0%			

Household Income	Count	% of Total
30% AMI	13	86.7%
50% AMI	2	13.3%
60% AMI	0	0.0%
	15	100.0%

ASSISTANCE PROVIDED

Expense Type	Amount	% of Total Funds Disbursed
Rent Payments (Current and/or Future)	\$38,915.81	54.8%
Rent Payments (Arrears)	\$30,894.81	43.5%
Rent Deposits/Fees/Bond	\$30.00	0.0%
Utility/Internet Payments	\$1,159.54	1.6%
Mortgage Payments (Current / Future)	\$0.00	0.0%
Mortgage Payments (Arrears)	\$0.00	0.0%
	\$71,000.16	100.0%

This quarterly report was received and reviewed by the Hillsborough Board of Commissioners on the _____ day of _____ 2022.

Mayor



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Administrative Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Human Resources Manager Haley Bizzell
Communications Manager Catherine Wright

ITEM TO BE CONSIDERED

Subject: Classification and pay amendment

Attachments:

None

Summary:

With the recent resignation of the town's web developer/assistant communications manager, it was determined that the Communications Division would benefit from moving away from an internal web developer and adding a communications specialist. The web developer/assistant communications manager position is in Grade 11 with a salary range of \$55,716 - \$89,146. The reclassification to communications specialist would bring the position to grade 10 with a salary range of \$53,063 - \$84,901. The division is seeking to contract for services to maintain the current site until a replacement site is implemented or a determination is made to continue developing the current site through contracted services.

The Communications Division also would benefit from increasing the full-time equivalency (FTE) for Communications Specialist Cheryl Sadgrove from .75 to .88 in December (5 additional hours) and then from .88 to 1 FTE beginning Jan. 2, 2023 (another additional 5 hours). Staff had planned to make this request in the new year but is requesting it now due to the vacancy. The graduated increase in hours is preferred by Sadgrove. In the new year, staff expects to also request a reclassification of Sadgrove's position to capture and expand engagement duties, including leading the restarted Government 101 program and coordinating community engagement meetings.

A correction on the pay schedule is needed to the deputy utilities director position title to add "water treatment." The full classification or position title will be deputy utilities director – water treatment.

Financial impacts:

No significant financial impacts.

Staff recommendation and comments:

Approve the reclassification of web developer/assistant communications manager to communications specialist. Approve updated pay schedule. Approve current Communications Specialist Cheryl Sadgrove's FTE to .88 for the month of December and to 1 FTE beginning in January 2023.

Action requested:

Approve the reclassification of web developer/assistant communications manager to communications specialist. Approve updated pay schedule. Approve current Communications Specialist Cheryl Sadgrove's FTE to .88 for the month of December and to 1 FTE beginning in January 2023.

Regular (Non-Law Enforcement) Positions

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
1	34,205	44,467	54,728			
2	35,915	46,690	57,465	N	201	ADMINISTRATIVE SUPPORT SPECIALIST
2	35,915	46,690	57,465	N	202	METER SERVICES TECHNICIAN
3	37,711	49,024	60,338	N	302	EQUIPMENT OPERATOR I
3	37,711	49,024	60,338	N	303	UTILITY MAINTENANCE TECHNICIAN I
4	39,597	51,476	63,355	N	401	CUSTOMER SERVICE REPRESENTATIVE
4	39,597	51,476	63,355	N	402	UTILITY MAINTENANCE TECHNICIAN II
4	39,597	51,476	63,355	N	403	WASTEWATER PLANT OPERATOR I
4	39,597	51,476	63,355	N	404	WATER PLANT OPERATOR I
5	41,576	54,049	66,522	N	502	EQUIPMENT OPERATOR II
5	41,576	54,049	66,522	N	503	SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
5	41,576	54,049	66,522	N	504	UTILITY MAINTENANCE TECHNICIAN III
5	41,576	54,049	66,522	N	505	WASTEWATER PLANT OPERATOR II
5	41,576	54,049	66,522	N	506	WATER PLANT OPERATOR II
6	43,655	56,752	69,848	N	605	ACCOUNTS PAYABLE TECHNICIAN
6	43,655	56,752	69,848	N	601	PLANNING TECHNICIAN
6	43,655	56,752	69,848	N	602	PLANT MAINTENANCE MECHANIC I
6	43,655	56,752	69,848	N	604	UTILITY SYSTEMS MECHANIC I
7	45,838	59,589	73,341	N	706	ACCOUNTING TECHNICIAN
7	45,838	59,589	73,341	N	701	CREW LEADER/EQUIPMENT OPERATOR III
7	45,838	59,589	73,341	N	702	PLANT MAINTENANCE MECHANIC II
7	45,838	59,589	73,341	N	703	UTILITY SYSTEMS MECHANIC II
7	45,838	59,589	73,341	N	704	WASTEWATER PLANT OPERATOR III
7	45,838	59,589	73,341	N	705	WATER PLANT OPERATOR III
8	48,130	62,569	77,008	N	801	FLEET MECHANIC
8	48,130	62,569	77,008	N	802	PLANT MAINTENANCE MECHANIC III
8	48,130	62,569	77,008	N	803	UTILITY SYSTEMS MECHANIC III
9	50,536	65,697	80,858	E	901	BILLING & CUSTOMER SERVICE SUPERVISOR
9	50,536	65,697	80,858	N	902	METER SERVICES SUPERVISOR
9	50,536	65,697	80,858	N	903	UTILITIES INSPECTOR
10	53,063	68,982	84,901	N	1001	BACKFLOW/FOG SPECIALIST
10	53,063	68,982	84,901	N	1002	CHIEF WASTEWATER PLANT OPERATOR
10	53,063	68,982	84,901	N	1003	COMMUNICATIONS SPECIALIST
10	53,063	68,982	84,901	N	1004	FACILITIES COORDINATOR
10	53,063	68,982	84,901	N	1005	OPERATOR IN RESPONSIBLE CHARGE
11	55,716	72,431	89,146	E	1101	PLANNER
11	55,716	72,431	89,146	E	1102	WEB DEVELOPER/ASSISTANT COMMUNICATIONS MANAGER
12	58,502	76,053	93,604	E	1201	BUDGET & MANAGEMENT ANALYST
12	58,502	76,053	93,604	E	1202	FINANCIAL ANALYST
12	58,502	76,053	93,604	E	1203	FLEET MAINTENANCE SUPERVISOR
12	58,502	76,053	93,604	E	1204	HUMAN RESOURCES ANALYST
12	58,502	76,053	93,604	E	1205	MANAGEMENT ANALYST
12	58,502	76,053	93,604	N	1206	STORMWATER PROGRAM COORDINATOR
12	58,502	76,053	93,604	N	1207	WASTEWATER LABORATORY SUPERVISOR

13	61,427	79,856	98,284	E	1301	CIVIL ENGINEERING TECHNICAN
13	61,427	79,856	98,284	E	1302	SENIOR PLANNER
13	61,427	79,856	98,284	E	1303	UTILITY MAINTENANCE SUPERVISOR
13	61,427	79,856	98,284	E	1304	UTILITY SYSTEM SUPERVISOR
14	64,499	83,848	103,198	E	1401	TOWN CLERK/HUMAN RESOURCES TECHNICIAN
15	67,724	88,041	108,358	E	1501	SAFETY & RISK MANAGER
16	71,110	92,443	113,776	E	1601	WATER PLANT SUPERINTENDENT
17	74,665	97,065	119,465	E	1701	PUBLIC WORKS MANAGER
17	74,665	97,065	119,465	E	1702	STORMWATER & ENVIRONMENTAL SERVICES MANAGER
17	74,665	97,065	119,465	E	1703	UTILITY SYSTEM SUPERINTENDENT
18	78,399	101,918	125,438	E	1801	ASSISTANT FINANCE DIRECTOR
18	78,399	101,918	125,438	E	1802	COMMUNICATIONS MANAGER
19	82,319	107,014	131,710	E	1901	INFORMATION TECHNOLOGY MANAGER
20	86,434	112,365	138,295	E	2001	BUDGET DIRECTOR
20	86,434	112,365	138,295	E	2002	ENVIRONMENTAL ENGINEERING SUPERVISOR
20	86,434	112,365	138,295	E	2003	HUMAN RESOURCES MANAGER
20	86,434	112,365	138,295	E	2004	PLANNING & ECONOMIC DEVELOPMENT MANAGER
20	86,434	112,365	138,295	E	2005	PUBLIC SPACE & SUSTAINABILITY MANAGER
20	86,434	112,365	138,295	E	2006	DEPUTY UTILITIES DIRECTOR - WATER TREATMENT
21	90,756	117,983	145,210			
22	95,294	123,882	152,470			
23	100,059	130,076	160,094			
24	105,062	136,580	168,099	E	2401	ADMINISTRATIVE SERVICES DIRECTOR
24	105,062	136,580	168,099	E	2402	ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR
24	105,062	136,580	168,099	E	2403	FINANCE DIRECTOR
25	110,315	143,409	176,504	E	2501	UTILITIES DIRECTOR

Sworn Law Enforcement Officer Positions

Salary				FLSA		
Grade	Minimum	Midpoint	Maximum	Status	Class Code	Classification
100	45,138	58,679	72,220	N	100	POLICE OFFICER TRAINEE
102	51,912	67,485	83,059	N	102	POLICE OFFICER/POLICE OFFICER FIRST CLASS
201	54,508	70,860	87,212	N	203	SENIOR POLICE OFFICER
202	57,233	74,403	91,573	N	204	POLICE CORPORAL
303	59,619	77,505	95,390	N	304	MASTER POLICE OFFICER
402	65,730	85,449	105,168	N	405	POLICE SERGEANT
502	72,467	94,207	115,947	E	507	POLICE LIEUTENANT
601	83,700	108,809	133,919	E	606	POLICE MAJOR
701	105,062	136,580	168,099	E	707	CHIEF OF POLICE



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Planning and Econ. Dev.
Agenda Section: Consent
Public hearing: Yes
Date of public hearing: Oct. 20, 2022

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment - Section 6.5 Buffers; Sub-Section 6.5.7.2 Exceptions (Railroad Buffers)

Attachments:

Ordinance amending the UDO

Summary:

The Unified Development Ordinance requires a 100-foot buffer to give new development/redevelopment a barrier from visual and noise impacts from the railroad operations. The town is under design for the new railroad station and siting a railroad station back 100 feet from the railroad right of way does not make sense in this instance because the station needs to be closer to the tracks in order to serve them and there is not the expectation of quiet enjoyment of the railroad station like there would be for other land uses such as residential, retail, hotel, restaurant, office, etc. This ordinance amendment would exempt train stations from the buffer requirement.

October Joint Public Hearing Minutes:

- A. Text amendment to the Unified Development Ordinance: Section 6.5.7 — To exclude train stations from buffer requirements

Campbell presented the staff report. She said staff found an issue while planning the future railroad station near the intersection of Orange Grove Road and Churton Street. Campbell said the ordinance requires a 100-foot buffer from railroads and interstates to protect businesses and residents from noise. She said the buffer is not necessary for the train station and its related walkways, parking and platforms. Campbell said a text amendment is needed to exclude the train station from the buffer requirement.

When asked, Campbell explained the ordinance requires buffers from railroads to protect residents and businesses from noise. She said there is no expectation for a train station to be quiet when a train goes by, noting it would be awkward to have the train station's platform and parking 100 feet from the rail line.

There were no further comments for this item.

November Planning Board Meeting:

At the November Planning Board meeting the Planning Board voted unanimously to recommend approval of this text amendment.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval as written.

Action requested:

Approve, deny, or approve with changing the language modifying the unified development ordinance.



ORDINANCE

Amending the Unified Development Ordinance of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains the following amendments:

6.5.7 SPECIAL CIRCUMSTANCES BASED ON ADJACENT CONDITIONS

- 6.5.7.1** Where the buffer required between a land use and vacant land turns out to be greater than that buffer which is required between the first use and the subsequently developed use, the subsequent use may provide one-half (.5) of the required buffer. The existing use may expand its use into the original buffer area, provided the resulting total buffer between the two uses meets the buffer requirements of Table 6.5.10.
- 6.5.6.2.** When a parcel to be developed is adjacent to an Interstate or railroad right of way, a 100-foot undisturbed buffer shall be provided along the adjacent property line, regardless of the requirement in Table 6.5.10. This buffer shall be planted to meet the standard of a Type D buffer if the existing vegetation does not meet that standard.

Exceptions to this requirement are as follows:

- 6.5.7.2.a** If an existing public road separates the parcel where development is proposed from an Interstate or railroad right of way, no buffer shall be required. This section applies to constructed public roads, regardless of where the road right of way exists in relation to the railroad or Interstate right of way.
- 6.5.7.2.b** If the applicant property is the redevelopment of an existing parcel with a platted land use buffer from a previous development code, the maintenance of that previously required buffer shall be taken to satisfy the Type D buffer.
- 6.5.7.2.c** If the applicant property is of an existing single-family parcel where a land use buffer was not shown on the recorded plat creating the parcel, the Type D buffer will not be required.
- 6.5.7.2.d** *If the applicant property is the development or redevelopment of a train station, passenger platform, walkways or other related items to serve rail or transit passengers such as parking, maintenance, or loading of the railroad the 100-foot buffer standards do not apply.*
- 6.5.7.3.** When a non-residential parcel is adjacent to a street classified as arterial or collector, no buffer shall be required along the street frontage, regardless of the requirement in Table 6.5.10, unless modified by the permit-issuing authority.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:
Noes:
Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Administration
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Town Manager Eric Peterson

ITEM TO BE CONSIDERED

Subject: Resolution Accepting a Donation to Help Fund Improvements to the Outdoor Areas of the Town Hall Campus to Encourage and Enhance Public Use

Attachments:

Resolution accepting the donation from Tom Stevens

Summary:

Hillsborough resident Tom Stevens is requesting the Town of Hillsborough accept a donation intended to encourage and enhance public use of the outdoor areas of the Town Hall property via the installation of a sculpture garden, public art, garden, trail, or other similar feature(s). The exact amount is not yet determined but is projected to be approximately \$20,000. Town Attorney Bob Hornik has prepared a formal resolution for the board to adopt if it wishes to accept the gift for the proposed uses.

Mr. Stevens agrees that once donated, the funds may be applied for any combination of design, construction, landscaping, hardscaping, structures, furniture, trails, garden features, public artworks, artwork installation, or other amenities available to the public as deemed appropriate by the Town of Hillsborough to contribute to the stated public purpose above, without time restriction. He understands there will have to be additional funds from other sources applied before anything happens. Mr. Stevens has engaged with town staff regarding this concept, including Public Space Manager Stephanie Trueblood.

Staff has done some preliminary investigation into possible uses that could work on the property that align with concepts Mr. Stevens has suggested. There is no current timetable for the project. As time becomes available staff will work it into the queue of various projects to develop a concept that will then help with identifying further funding sources as well as prioritization.

Financial impacts:

These funds would be used in combination with other sources (e.g., additional private donations, appropriations from the General Fund budget, grants, etc.) to make future enhancements to the exterior properties at the Town Hall Campus.

Staff recommendation and comments:

The town manager recommends approval of the resolution and thus acceptance of the gift.

Action requested:

Adopt resolution.



RESOLUTION

To Accept Monetary Gift for Grounds Improvements At the Town Hall Campus

WHEREAS, the Town of Hillsborough has been offered a gift of approximately Twenty Thousand Dollars (\$20,000) by Thomas Stevens of Hillsborough, North Carolina with the condition that the funds be used to enhance the surrounding grounds of the Town Hall Campus with public spaces, trails, landscaping, gardens, public art, or similar amenities for the use and benefit of the town and its inhabitants; and

WHEREAS, the Hillsborough Board of Commissioners has considered and desires to publicly acknowledge the generous offer, and to formally accept the offer for the uses and purposes stated;

NOW, THEREFORE, be it resolved the Hillsborough Board of Commissioners on motion by _____, seconded by _____, that the Town of Hillsborough does accept the offered monetary gift to be used solely for the purposes stated by the donor, and directs town staff to accept the gift and maintain said funds for such purposes.

Approved this 12th day of December of the year 2022.

Jenn Weaver, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Community Services
Agenda Section: Regular
Public hearing: No
Date of public hearing:

PRESENTER/INFORMATION CONTACT

Margaret Hauth, Assistant Town Manager

ITEM TO BE CONSIDERED

Subject: Request from Corbinton Commons HOA regarding plowing of streets in advance of street dedication

Attachments:

Request from HOA

Summary:

Corbinton Commons was initially reviewed by the town in 2004. Authorization to build was provided in 2007, after a lawsuit and follow-up negotiation. The project was inactive for a significant period and then began vertical construction in 2016. The streets have never been offered to the town and the town still holds bonds for some outstanding matters. Home construction was completed in 2020 and the developer has transferred management of the community common areas to the residents.

The town has provided trash service since residents moved in in 2016 but has not maintained or plowed streets (with the possible exception of the first winter that residents remember but staff do not). The residents have requested an alternative arrangement to ensure the streets and alleys are plowed this winter. They are concerned that bringing in a contractor could make the street turnover much more confusing if the contractor would damage the pavement. The final layer of asphalt has been installed, so the surfaces are level, without raised manhole covers or valves.

The town has sent a letter to the owner and developers threatening to call the remaining bonds in an effort to bring this project to final close-out. The remaining work seems modest, but the developer has not completed the process.

Financial impacts:

Staff and equipment time to provide snow removal.

Staff recommendation and comments:

Since the final layer of asphalt has been added, staff are able and willing to plow the neighborhood with little risk to town equipment. The town would photo document of the current pavement to help alleviate any claims of further damage. The HOA could offer a hold harmless agreement to the town to cover damage that occurs in plowing. A similar agreement is in place with Elfin's Pond for trash collection only ending dedication of streets.

Action requested:

Discussion and direction.

Board of Directors
Corbinton Commons Association, Inc.
701 Market House Way
Hillsborough NC 27278

Commissioner Mark Bell
Commissioner Robb English
Commissioner Kathleen Ferguson
Mayor Pro Tem Matt Hughes
Commissioner Evelyn Lloyd
Town of Hillsborough, North Carolina

December 5, 2022

Dear Commissioners and Mayor Pro Tem:

The Corbinton Commons Board of Directors hereby requests that the Board of Commissioners authorize the Town to begin plowing our neighborhood streets and alleys for snow this winter. We would appreciate the opportunity to briefly address the Board on this topic at its next meeting on Monday, December 12, 2022.

As of two years ago, all 69 homes in our neighborhood have been built and occupied. However, the developers have not yet offered our streets and alleys for acceptance by the Town, although our subdivision plat specifies that these are to be public. We understand that the Town is requiring that the developers complete additional repairs (or document that they have done so) before the Town will accept the streets.

This is the second full year in which our residents have watched the developers' contractors come in, do some work, leave, and fail to return for months. We have been informed that the Town's attorney will soon send a letter to the developers giving them 30 days to prove completion of outstanding repairs or face revocation of the performance bond the Town holds to ensure completion of our subdivision. Our Board welcomes this action by the Town.

In the meantime, our residents are facing yet another winter without services for which we have been paying property taxes — some of us for as long as five years now. The developers did pour sufficient asphalt last summer to protect our manhole covers, and they also adapted our alleys to accommodate snow plows at the Town's request in 2021. Hence there are no longer any physical impediments to the Town's snow plows. So please — send them!

Sincerely,



Dorie Bargmann, Vice President
Corbinton Commons HOA Board of Directors

cc: Mayor Jenn Weaver
Town Assistant Manager Margaret Hauth



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Planning and Economic Development
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: Oct. 20, 2022

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Annexation and General Use Rezoning - request from the Town of Hillsborough to:

- Annex approx. 19.5 ac consisting of OC PIN 9874132066
- Rezone approx. 6.62 ac of that parcel from AR to LO (train station area)
- Keep the remaining 12.88 ac zoned AR

Attachments:

1. Annexation Ordinance
2. Consistency Statement
3. Rezoning Ordinance
4. Annexation and Rezoning Application Materials & Maps

Summary:

This parcel is largely vacant except for a portion that housed rented baseball fields. In 2008, the town acquired the parcel adjacent to the North Carolina Railroad corridor as a potential location to re-establish passenger rail service and provide for economic development. In 2016, a concept plan for a future train station was developed. The future train station was funded in the 2016-2025 State Transportation Improvement Program. In 2020, the town entered into a funding agreement with NCDOT and GoTriangle to facilitate the design and construction of the station building and site. A request for proposals for design of the future station was issued in September 2021. In December 2021, the Board of Commissioners authorized staff to negotiate a contract with Clearscapes for design and engineering of the future train station and greenway connection to downtown Hillsborough. The parcel is contiguous to town limits and needs to be annexed and rezoned to accommodate the construction of the train station. LO (limited office) is the most appropriate zoning.

The request is for a general use rezoning – meaning a range of uses are permitted by right. This is a legislative decision for the board – meaning the members can take a wide range of information into consideration and testimony may be in writing and does not need to be sworn. The board has broad discretion in determining whether to approve this request. No statements by the applicant as to potential use of the property are binding on the applicant or the town. For this reason, the town requires no development plans from applicants seeking rezoning to a general-purpose district.

GENERAL STANDARDS/FINDINGS OF FACT:

Before amending this Ordinance or the Official Zoning Map, the town board must find, after conducting the process below, that the request is not inconsistent with the adopted Comprehensive Plan for the Town of Hillsborough.

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the Town Board. In determining whether to adopt a proposed amendment, the town board shall consider and weigh the relevance of the following factors:

- (a) The extent to which the proposed amendment is consistent with all applicable town-adopted plans;
- (b) The extent to which there are changed conditions that require an amendment;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;
- (d) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (e) The extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (f) The extent to which the proposed amendment would encourage premature development;
- (g) The extent to which the proposed amendment would result in strip or ribbon commercial development;
- (h) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts;
- (i) The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- (j) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

October Joint Public Hearing Minutes:

- A. Annexation and General Use Rezoning: 255 Orange Grove St. — Request from the Town of Hillsborough to annex approximately 19.5 acres, rezone approximately 6.62 acres from Agricultural/Residential to Limited Office and keep the remaining 12.88 acres zoned Agricultural/Residential (OC PIN 9874132066)

Planning and Economic Development Manager Shannan Campbell presented the staff report. She said the proposal is for a town-owned parcel. Displaying a map, Campbell said the Town of Hillsborough proposes annexing the full parcel and rezoning the portion on which Hillsborough's train station will be built. She said the parcel currently is zoned Agricultural Residential, and the zoning needed to build the train station is Limited Office. She invited the applicant's representative to speak.

Johnston reminded the board members the rezoning would be a general use rezoning with all approved uses for Limited Office being allowed by right. Campbell agreed, noting no plan of development is required for general use rezonings.

Public Space and Sustainability Manager Stephanie Trueblood presented the application on the town's behalf. She explained it was important to move forward tonight because the town signed a funding agreement in 2020 to deliver the train station within 7 years. She said moving forward with the annexation and rezoning is important to keeping the project on schedule.

Trueblood explained only part of the 20-acre parcel is needed for the train station. She said the train station might not require the entire 6-acre portion the town is requesting to rezone. She said for simplicity's sake the town requests rezoning the largest possible space that might be needed for the train station. She said the zoning could be reconfigured in 2023 after the town board works on the site's master plan. Trueblood said the larger part of the site would remain zoned Agricultural/Residential. She said the town requests the smaller

portion, which will be used for the train station, town offices and a park and ride lot, be rezoned Limited Office. She said additional future uses could involve additional rezonings.

Ferguson expressed excitement about the train station project moving forward.

Johnston invited members of the public to speak.

Resident Gary Miller said he was in favor of the annexation and rezoning, anticipating mass transit would be a be part of North Carolina’s future.

There were no other comments for this item.

November Planning Board Meeting:

At the November Planning Board meeting there was no additional discussion of the item. The Planning Board voted 7-0 to recommend approval.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval as presented.

Action requested:

Approve or deny the request for annexation and rezoning.

Ordinance No. 20221212-_____

Return to: Town of Hillsborough, Attn: Town Clerk, P.O. Box 429, Hillsborough, NC 27278

The following ordinance was introduced by Commissioner _____, and duly seconded by Commissioner _____.

**AN ORDINANCE ANNEXING
CERTAIN CONTIGUOUS PROPERTY**

WHEREAS, a petition was received requesting the annexation of 19.5 +/- acres by the owner, Town of Hillsborough, dated September 9, 2022;

WHEREAS, the Parcel Identification Number (PIN) for the requesting property is 9874-13-2066;

WHEREAS, the petition was signed by the owner of all the real property located within such area; and

WHEREAS, a public hearing on the annexation was held on October 20, 2022 following notice of such hearing published in the News of Orange County on October 5 and 12, 2022.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE TOWN OF HILLSBOROUGH ORDAINS:

Section 1. The Board of Commissioners finds that a petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the town of Hillsborough, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Hillsborough:

Being all of a certain tract of land consisting of 19.5 acres shown and more fully described on the plat entitled "TOWN OF HILLSBOROUGH 255 ORANGE GROVE ST" dated 09/13/2022, prepared by Ballentine Associates, PA and recorded in PLAT BOOK _____ PAGE NUMBER _____.

Section 3. This Ordinance shall become effective on adoption.

Section 4. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in Sections 2 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December 2022.

Ayes:

Noes:

Absent or Excused:

Town of Hillsborough
Sarah E. Kimrey, Town Clerk

SEAL

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public of the County and State aforesaid, certify that Sarah E. Kimrey personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Hillsborough, a North Carolina municipal corporation, and that she, as Town Clerk, being duly authorized to do so, executed the foregoing instrument to

acknowledge that it is an Annexation Ordinance duly adopted by the Town of Hillsborough Board of Commissioners on the date indicated.

Witness my hand and official seal, this the _____ day of _____, ____.

(Official Seal)

Notary Public

My commission expires _____.

Town Board's Statement per N.C. Gen. Stat. 160D-605

The Town of Hillsborough Town Board has received and reviewed the application of Town of Hillsborough, North Carolina to amend the Town of Hillsborough Official Zoning Map as follows:

Rezone 6.62 acres of PIN 9874132066 from AR (Agricultural Residential) to LO (Limited Office) retain the existing AR zoning on the remaining 12.88 acres.

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

The rezoning is consistent with the Vision 2030 plan as it supports improving future connectivity and connectedness.

Adopted by the Town of Hillsborough Board of Commissioners this 12th day of December, 2022.

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Zoning Map of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains:

- Section 1.** An application has been made for the zoning map amendment of the property herein.
- Section 2.** The application has been referred to the town Planning Board for its recommendation and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed zoning map amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate.
- Section 3.** The town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone 6.62 acres of PIN 9874132066 from AR (Agricultural Residential) to LO (Limited Office). The remaining 12.88 acres is currently zoned AR and is requested to remain zoned AR.
- Section 5.** The legal description of the parcel area of PIN 9874132066 to be zoned LO is as follows:

COMMENCING at a control nail having NCPSCS Coordinates of Northing: 842,791.50' Easting: 1,970,544.19'; thence South 79°41'04" West a distance of 248.20 feet to an existing PK Nail in the center of Gold Hill Way (a public 69' Right of Way), as shown in Plat Book 122, Page 96-99, and being the point of BEGINNING; thence North 11°02'16" West a distance of 15.73 feet to a point; thence along the eastern line of John M. Roberts, et al (PIN# 9874-02-5866 / RB 6371, PG 38 / PB 118, PG 145) North 10°57'47" West a total distance of 156.49 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 1] (PIN# 9874-03-5063 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2C]), and passing a point on the northern R/W of Gold Hill Way at a distance of 19.08 feet; thence along the line of RILLC 1 North 11°54'54" West a distance of 209.76 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 2] (PIN# 9874-03-5293 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2B]); thence along the line of RILLC 2 and Roberts Investments LLC [RILLC 3] (PIN# 9874-03-6433 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2A]) North 08°06'11" East a total distance of 360.90 feet to a 1" existing iron pipe on the southeast corner of Roberts Investments LLC [RILLC 4] (PIN# 9874-03-6514 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1B]), and passing an existing 1" iron pipe at a distance of 178.34 feet; thence along the line of RILLC 4 and Roberts Investments LLC [RILLC 5] (PIN# 9874-03-6624 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1A]) North 08°12'23" East a distance of 274.08 feet to an existing 1" iron pipe with cap at the R/W of North Carolina Railroad (a private 200' R/W); thence along the R/W of the North Carolina Railroad South 57°29'26" East a distance of 430.19 feet to a set iron pipe; thence along a new line the following three (3) calls: South 07°51'20" West a distance of 217.45 feet to a set iron

pipe; thence North 82°13'50" West a distance of 74.18 feet to a set iron pipe; thence South 07°51'20" West a total distance of 592.99 feet to a point in the center of Gold Hill Way; thence North 83°44'04" West a distance of 193.58 feet to the point of BEGINNING, containing an area of 288,363 square feet, or 6.620 acres, more or less.

For further description see map entitled "Town of Hillsborough; 255 Orange Grove Street – Rezoning Plat" prepared by Ballentine Associates, P.A., David E. Bowers, PLS L-4966, said map dated 13 Sep 2022.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

Appendix I

Application Packet for Unified Development Ordinance Text & Zoning Map Amendments (Rezoning) / Future Land Use Plan & Comprehensive Plan Amendments

Deadlines for 2022		
Application Deadline (12pm)	Joint Public Hearing Date	Earliest Decision Date
December 16, 2021	January 20, 2022	March 14, 2022
March 17, 2022	April 21, 2022	June 13, 2022
June 16, 2022	July 21, 2022	September 12, 2022
September 15, 2022	October 20, 2022	December 12, 2022
December 15, 2022	January 19, 2023	March 13, 2023

Fee Schedule

Future Land Use/Comprehensive Plan Map Amendment:	\$300.00
UDO Text Amendment	\$300.00
Rezoning to General Purpose or Overlay District:	The greater of \$500.00 or \$50.00 per acre

* Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for the fiscal impact analysis of the application.

Submittal Requirement Checklist

Unified Development Ordinance & Future Land Use/Comprehensive Plan Text Amendments

- ☐ Complete application and applicable review fee
- ☐ For UDO text amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)

Zoning Map & Future Land Use Map Amendments

- ☒ Complete application and applicable review fee
- ☒ Copy of the deed and/or a fully dimensioned survey to a scale greater than 100 ft to the inch and smaller than 20 ft to the inch that includes existing structures, critical areas (specified on application), rights-of-way and width, and driveways (existing and new)
- ☒ For zoning map amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☐ Future Land Use Plan Map ☒ Zoning Map
☐ Comprehensive Plan Text ☐ Unified Development Ordinance text

Property Address: 255 Orange Grove Street **PIN:** 9874132066

Applicant Name: Ballentine Associates, PA attn: George Retschle

Mailing Address: 221 Providence Road

Phone: 919-929-0481

City, State, Zip: Chapel Hill, NC 27514

georger
E-mail: @ballentineassociates.com

Property Owner Name: Town of Hillsborough, attn: Stephanie Trueblood

Mailing Address: 101 East Orange St.

Phone: 919-296-9481

City, State, Zip: Hillsborough, NC 27278

stephanie.trueblood
E-mail: @hillsboroughnc.gov

Location/Streets Accessed: address: 255 Orange Grove St, proposed access from Gold Hill Way

Current Zoning District(s): AR

Proposed Zoning District(s): LO

Acreage: 6.62

Water Service: ☒ Public Water ☐ Well

Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: Six (6) Baseball Dugouts

Critical Areas:

☐ Flood ☐ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☐ Steep Slopes
☐ Easement See next page

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**



George J. Retschle

09/13/2022

Applicant's signature

date



9/14/2022

Property Owner's signature

date

Hillsborough Train Station

Rezoning Narrative

14 Sep 2022

The Town of Hillsborough plans to develop a thoughtfully designed $\pm 7,000$ sf train station building and associated infrastructure on a portion of a 19.5-acre Town-owned property located in the Town's ETJ at 255 Orange Grove Street. The first phase of the project will include the train station building, approximately 100 parking spaces (including a park and ride lot), stormwater management facilities, utilities, and landscape/hardscape work associated with the site, as well as a pedestrian walkway connection and a public street connection from Gold Hill Way.

The property is currently located in the Agricultural/Residential (AR) zoning district and the three proposed uses associated with the train station project (transit passenger terminal, offices, and park and ride facility) are not allowed in the current district. Therefore, a rezoning to Limited Office (LO) is proposed. The total land area proposed for rezoning is ± 6.62 acres and this includes the train station site, approximately 1.4 acres of new public road right-of-way, and approximately 1.8 acres of land for future development west of the new public roadway. Zoning for the remainder of the overall 19.5-acre property will remain AR until it is rezoned by a future project.

As noted above, the 19.5-acre property currently lies within the Town's ETJ, so a contiguous annexation petition is being reviewed contemporaneously with this rezoning application.

This amendment to the Official Zoning Map will address the following factors of Section 3.7.2 of the Hillsborough Unified Development Ordinance:

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.

Response: The Future Land Use Plan designates the entire site as Mixed Use, which is the most intensive designation the town has. While Limited Office is not one of the anticipated zoning districts for that designation, the district aligns with the limited uses the town will provide on the parcel it retains long-term ownership of and is therefore consistent. This use was expected at the time the Future Land Use Map was developed. The town can amend the zoning if a more intense district is needed in the future. LO is adequate for the town's interests at this point.

The proposed train station development is consistent with all applicable town-adopted plans, specifically Vision 2030, the Strategic Growth Plan, the Community Connectivity Plan, and the Churton Street Corridor Strategic Plan. The train

station will increase connectivity and encourage economic development in the area. The proposed greenway connection will increase pedestrian connectivity to downtown Hillsborough. Additionally, the proposed public street and sidewalk connection from Gold Hill way into the 19.50-acre site will help promote additional development of the larger parcel.

2. The extent to which there are changed conditions that require an amendment.

Response: Conditions have changed in the area such that the current AR zoning is no longer compatible with surrounding uses.

3. The extend to which the proposed amendment addresses a demonstrated community need.

Response: The proposed amendment addresses transportation, pedestrian connectivity, and economic development needs.

4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Response: The proposed LO zoning district is appropriate for this site. It allows low-intensity non-residential uses that are compatible with adjacent land uses by providing a transition from the higher intensity commercial uses along Churton Street and the residential uses along the southern portion of Gold Hill Way.

5. The extend to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly patterns.

Response: The proposed amendment would allow for the creation of the initial phase of a multi-use development, which will include the establishment of significant public transportation infrastructure (train station, park/ride, greenway connection to downtown, and public road). This is very much consistent with logical and orderly development.

6. The extent to which the proposed amendment would encourage premature development.

Response: As noted above, this amendment will allow for the construction of significant public transportation infrastructure, which provides a solid foundation for future development. This amendment would not encourage premature development.

7. The extent to which the proposed amendment would result in strip or ribbon commercial development.

Response: No commercial development is proposed as a part of this rezoning amendment. The Limited Office (LO) district does not permit most traditional commercial uses.

8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.

Response: As noted above, the proposed LO zoning district allows lower intensity non-residential uses which will be compatible with surrounding uses. The amendment will create a transition zone between high-intensity commercial uses to the west and residential uses to the south.

9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of the surrounding lands.

Response: By creating a transportation hub, increasing pedestrian connectivity in the area, and promoting development of the existing property, the proposed amendment would likely increase the property values of the surrounding lands.

10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Response: We do not believe that the proposed amendment would result in any significantly adverse environmental impacts.

14 September 2022

Town of Hillsborough Rezoning Area
255 Orange Grove Road
Hillsborough, NC 27278



Ballentine
Associates, PA

Integrity. Service. Results.

Being a portion of the property of the Town of Hillsborough as described in Record Book 4604, Page 422; less and except a portion of the property Deeded to the North Carolina Department of Transportation in Record Book 6314, Page 151; also being a portion of the property described as Lot 1 in Plat Book 104, Page 88, all of the Orange County Registry, lying and being Hillsborough Township, Orange County, North Carolina, and being more particularly described as follows:

Description of Rezoning Area

COMMENCING at a control nail having NCPSCS Coordinates of Northing: 842,791.50' Easting: 1,970,544.19'; thence South 79°41'04" West a distance of 248.20 feet to an existing PK Nail in the center of Gold Hill Way (a public 69' Right of Way), as shown in Plat Book 122, Page 96-99, and being the point of BEGINNING; thence North 11°02'16" West a distance of 15.73 feet to a point; thence along the eastern line of John M. Roberts, et al (PIN# 9874-02-5866 / RB 6371, PG 38 / PB 118, PG 145) North 10°57'47" West a total distance of 156.49 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 1] (PIN# 9874-03-5063 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2C]), and passing a point on the northern R/W of Gold Hill Way at a distance of 19.08 feet; thence along the line of RILLC 1 North 11°54'54" West a distance of 209.76 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 2] (PIN# 9874-03-5293 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2B]); thence along the line of RILLC 2 and Roberts Investments LLC [RILLC 3] (PIN# 9874-03-6433 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2A]) North 08°06'11" East a total distance of 360.90 feet to a 1" existing iron pipe on the southeast corner of Roberts Investments LLC [RILLC 4] (PIN# 9874-03-6514 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1B]), and passing an existing 1" iron pipe at a distance of 178.34 feet; thence along the line of RILLC 4 and Roberts Investments LLC [RILLC 5] (PIN# 9874-03-6624 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1A]) North 08°12'23" East a distance of 274.08 feet to an existing 1" iron pipe with cap at the R/W of North Carolina Railroad (a private 200' R/W); thence along the R/W of the North Carolina Railroad South 57°29'26" East a distance of 430.19 feet to a set iron pipe; thence along a new line the following three (3) calls: South 07°51'20" West a distance of 217.45 feet to a set iron pipe; thence North 82°13'50" West a distance of 74.18 feet to a set iron pipe; thence South 07°51'20" West a total distance of 592.99 feet to a point in the center of Gold Hill Way; thence North 83°44'04" West a distance of 193.58 feet to the point of BEGINNING, containing an area of 288,363 square feet, or 6.620 acres, more or less.

For further description see map entitled "Town of Hillsborough; 255 Orange Grove Street – Rezoning Plat" prepared by Ballentine Associates, P.A., David E. Bowers, PLS L-4966, said map dated 13 Sep 2022.

Appendix J

Application Packet for Annexations

Deadlines for January – December 2022		
Application Deadline (12pm)	Joint Public Hearing Date	Earliest Decision Date
December 16, 2021	January 20, 2022	March 14, 2022
March 17, 2022	April 21, 2022	June 13, 2022
June 16, 2022	July 21, 2022	September 12, 2022
September 15, 2022	October 20, 2022	December 12, 2022
December 15, 2022	January 19, 2023	March 13, 2023

Fee Schedule

Rezoning to General Purpose or Overlay District: the greater of \$500.00 or \$50.00 per acre
Rezoning to conditional District: the greater of \$2,000.00 or \$200.00 per acre

* Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for fiscal impact analysis of the application.

Submittal Requirement Checklist

Voluntary Annexation Request

- ☒ Annexation Petition
- ☒ Zoning Map Amendment request (see **Appendix I**)

Involuntary Annexation Request

- ☐ Zoning Map Amendment application (see **Appendix I**)



TOWN OF
HILLSBOROUGH

**PETITION FOR
Annexation of Contiguous Property**

Planning Department
101 E. Orange Street / P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9471 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

TO THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH:

- (1) The undersigned, Town of Hillsborough, NC

being the owner(s) of all real property located within the area described in paragraph two below requests that such area be annexed to the Town of Hillsborough.
- (2) The area to be annexed is contiguous to the Town of Hillsborough and is located at 255 Orange Grove Street; PIN # 9874132066

- (3) A map of the foregoing property, showing its relationship to the existing corporate limits of the town, is attached hereto.
- (4) This petition is presented under the authority contained in G.S. 160A-31.

Respectfully submitted this 9th day of September, 2022

Property Owner Eric S. Peterson, Town Manager

Witness Margaret A. Hault
Assistant Town Manager

Property Owner

Witness

Property Owner

Witness

Property Owner

Witness

Property Owner

Witness

Property Owner

Witness

14 September 2022

Town of Hillsborough Contiguous Annexation Area
255 Orange Grove Road
Hillsborough, NC 27278



Ballentine
Associates, PA

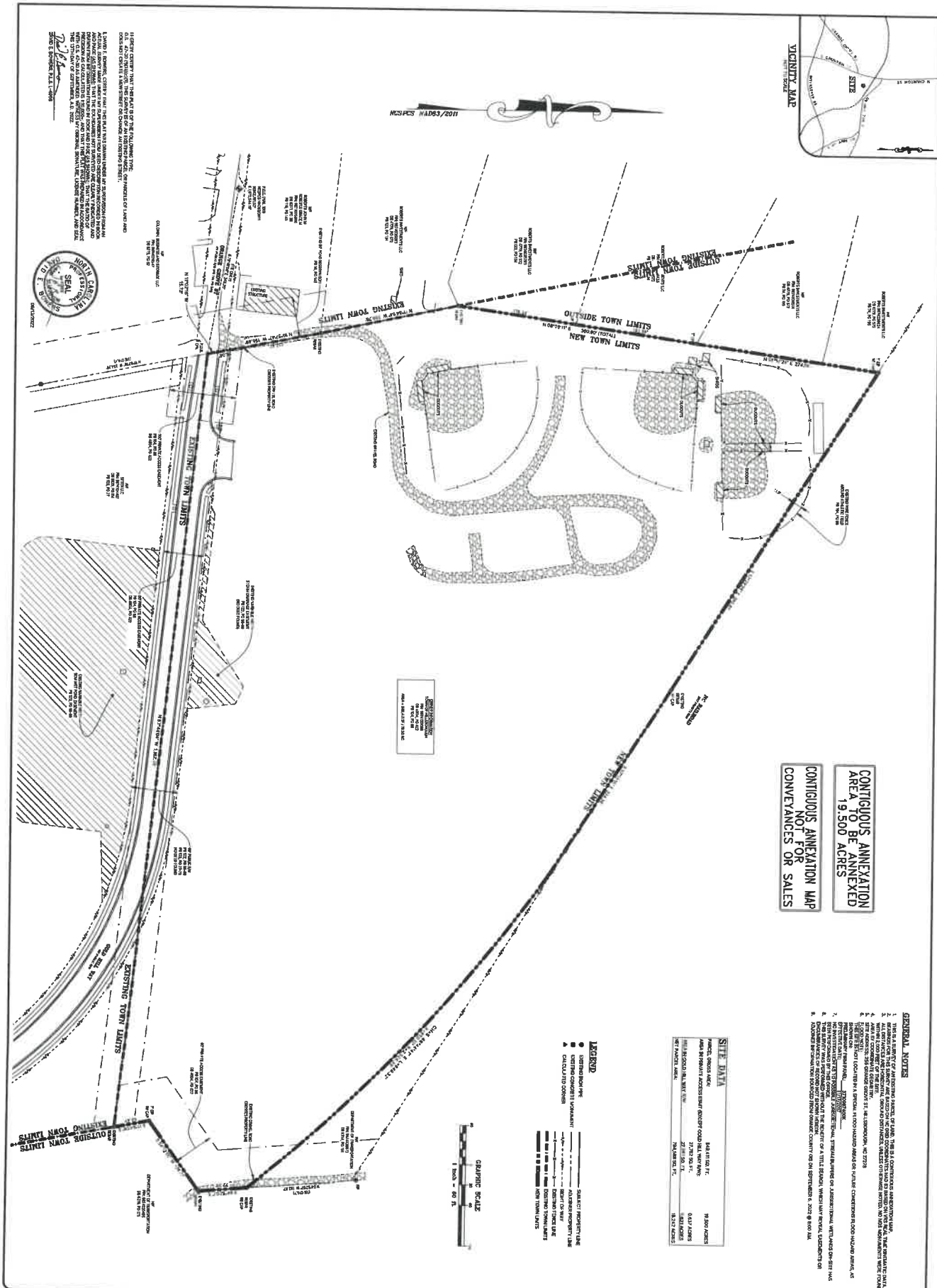
Integrity. Service. Results.

Being all of the property of the Town of Hillsborough as described in Record Book 4604, Page 422; less and except a portion of the property Deeded to the North Carolina Department of Transportation in Record Book 6314, Page 151; also being a portion of the property described as Lot 1 in Plat Book 104, Page 88, all of the Orange County Registry, lying and being Hillsborough Township, Orange County, North Carolina, and being more particularly described as follows:

Description of Annexation Area

COMMENCING at a control nail having NCPSCS Coordinates of Northing: 842,791.50' Easting: 1,970,544.19'; thence South 79°41'04" West a distance of 248.20 feet to an existing PK Nail in the center of Gold Hill Way (a public 69' Right of Way), as shown in Plat Book 122, Page 96-99, and being the point of BEGINNING; thence North 11°02'16" West a distance of 15.73 feet to a point; thence along the eastern line of John M. Roberts, et al (PIN# 9874-02-5866 / RB 6371, PG 38 / PB 118, PG 145) North 10°57'47" West a total distance of 156.49 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 1] (PIN# 9874-03-5063 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2C]), and passing a point on the northern R/W of Gold Hill Way at a distance of 19.08 feet; thence along the line of RILLC 1 North 11°54'54" West a distance of 209.76 feet to an existing rebar on the southeast corner of Roberts Investments LLC [RILLC 2] (PIN# 9874-03-5293 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2B]); thence along the line of RILLC 2 and Roberts Investments LLC [RILLC 3] (PIN# 9874-03-6433 / RB 4779, PG 572 / PB 123, PG 134 [Lot 2A]) North 08°06'11" East a total distance of 360.90 feet to a 1" existing iron pipe on the southeast corner of Roberts Investments LLC [RILLC 4] (PIN# 9874-03-6514 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1B]), and passing an existing 1" iron pipe at a distance of 178.34 feet; thence along the line of RILLC 4 and Roberts Investments LLC [RILLC 5] (PIN# 9874-03-6624 / RB 4779, PG 572 / PB 74, PG 195 [Lot 1A]) North 08°12'23" East a distance of 274.08 feet to an existing 1" iron pipe with cap at the R/W of North Carolina Railroad (a private 200' R/W); thence along the R/W of the North Carolina Railroad South 57°29'26" East a distance of 565.61 feet to an existing rebar with cap on the western corner of North Carolina Department of Transportation [NCDOT 1] (PIN# 9874-13-8073 / RB 6314, PG 151); thence along the line of NCDOT 1 the following two (2) calls: South 57°13'15" East a distance of 334.36 feet to a point; thence with a curve turning to the right with an arc length of 650.12', with a radius of 2,524.39', with a chord bearing of South 46°44'41" East, with a chord length of 648.32' to an existing rebar with cap on the western line of North Carolina Department of Transportation [NCDOT 2] (PIN# 9874-22-0495 / RB 6316, PG 175); thence with the line of NCDOT 2 the following three (3) calls: South 04°52'07" East a distance of 72.39 feet to an existing rebar; thence South 54°12'00" West a distance of 129.77 feet to an existing 1" iron pipe with cap; thence South 11°04'09" East a distance of 53.41 feet to an existing rebar on the northeast corner of SFTEN LLC (PIN# 9874-10-4407 / RB 6629, PG 114 / PB 123, PG 77); thence along the line of SFTEN LLC North 83°44'04" West a distance of 1,162.28 feet to the point of BEGINNING, containing an area of 849,411 square feet, or 19.500 acres, more or less.

For further description see map entitled "Town of Hillsborough; 255 Orange Grove Street – Contiguous Annexation Map" prepared by Ballentine Associates, P.A., David E. Bowers, PLS L-4966, said map dated 13 Sep 2022.





Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Planning and Economic Development
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: Oct. 20, 2022

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: General Use Rezoning- Owls Woods (1700 NC 86 South, OC PIN 9874429362); Limited Office to High Intensity Commercial

Attachments:

1. Consistency Statement
2. Rezoning Ordinance
3. Rezoning Application Materials & Maps

Summary:

The applicant parcel is owned by Owls Wood Development LLC. The owner pursued rezoning to Multi-Family (MF) and a Future Land Use Plan amendment at the April 2022 Joint Public Hearing that was denied 3-2 at the June 13, 2022 town board meeting. The applicant parcel is at an intersection with varying other zoning districts adjacent to it. The applicant submitted a new rezoning application dated Aug. 18, 2022 requesting to rezone the parcel from LO (limited office) to HIC (High Intensity Commercial).

The request is for a general use rezoning— meaning a range of uses are permitted by right. This is a legislative decision for the board – meaning the members can take a wide range of information into consideration and testimony may be in writing and does not need to be sworn. The board has broad discretion in determining whether to approve this request. No statements by the applicant as to potential use of the property are binding on the applicant or the town. For this reason, the town requires no development plans from applicants seeking rezoning to a general-purpose district.

GENERAL STANDARDS/FINDINGS OF FACT:

Before amending this Ordinance or the Official Zoning Map, the Town Board must find, after conducting the process below, that the request is not inconsistent with the adopted Comprehensive Plan for the Town of Hillsborough.

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the Town Board. In determining whether to adopt a proposed amendment, the Town Board shall consider and weigh the relevance of the following factors:

- (a) The extent to which the proposed amendment is consistent with all applicable Town-adopted plans;
- (b) The extent to which there are changed conditions that require an amendment;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;

- (d) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (e) The extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (f) The extent to which the proposed amendment would encourage premature development;
- (g) The extent to which the proposed amendment would result in strip or ribbon commercial development;
- (h) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts;
- (i) The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- (j) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

October Joint Public Hearing Minutes:

B. General Use Rezoning: 1700 N.C. 86 South — To rezone the Owl's Woods tract from Limited Office to High Intensity Commercial (OC PIN 9874429362)

Campbell presented the staff report. She said the board members saw a different rezoning request for the same parcel earlier this year. She said the applicant proposes rezoning the approximately 15-acre property from Limited Office to High Intensity Commercial. Campbell said the general use rezoning includes no development plan, and any use allowed in the High Intensity Commercial zoning district would be allowed by right. Johnston called the board members' attention to details on pages 22 and 23 of the agenda packet.

Johnston invited the applicant to speak.

William Wirt of Summit Design and Engineering spoke on behalf of the applicant. Wirt summarized the application. He said rezoning the property to High Intensity Commercial would allow uses to be built there that the town has expressed interest in seeing, such as restaurants, flex space and healthcare. Wirt displayed a map of the area, pointing out the site's location and a creek and sewer easement running through the property. He noted the zoning of surrounding areas. Wirt displayed an older conceptual site rendering, acknowledging it shows a more intense development plan than is practical given the site's topographical challenges. He said the concept illustrates several key points that still could apply to the site, including building layouts and a thoroughfare running through the site. He said the site's topography, including a creek and sewer buffers, would preserve its natural benefits and diversify the site. Wirt displayed a current zoning map. He said the uses allowed in the High Intensity Commercial zoning district would fit well with uses surrounding the area and with the town's Comprehensive Plan, which calls for retail services on the site.

Wirt summarized the rezoning would align the property with the town's Future Land Use Plan and with the Hillsborough Vision 2030; would be in line with the surrounding area's development patterns and zoning; would provide services the town desires; and would add to surrounding property values. He added the site's topographical challenges would prevent sprawl on the site and preserve the site's natural benefits.

Ferguson thanked Wirt and expressed excitement about the proposed project.

Planning Board member Saru Salvi expressed concern about traffic the proposed project could generate. When asked, Campbell said traffic would be evaluated after the applicant submitted a site plan. Campbell said the

matter before the board members tonight was a high-level land use question about whether the requested uses are appropriate for the site.

Johnston observed the site's topography would require significant grading. Wirt agreed and said the displayed concept plan illustrated the maximum possible development for the site. When asked, Wirt said the amount of development shown on the concept plan is not feasible, adding it was drawn some time ago. Wirt said he showed the plan to illustrate a few key points. When asked, he explained rezoning to the High Intensity Commercial zoning district would allow more diverse services, make the property more marketable and align it with similar uses in the surrounding area.

When asked, Campbell confirmed a preliminary study indicated a traffic circle or another traffic control device might be needed at the nearby intersection of U.S. 70A and N.C. 86. She said there are not yet plans developed for the traffic circle.

When asked, Campbell clarified that a previous applicant, who proposed rezoning the property to the Multi-Family zoning district, was considering building a private greenway trail system on the site.

When asked, Wirt described possible differences between the displayed concept plan and what feasibly could be built. He said most buildings would move closer to N.C. 86, and the thoroughfare probably would not be as deep.

Salvi asked if the developers could preserve trees and greenery along U.S. 70A to screen the development. Wirt agreed and noted the town has landscape buffer requirements that require that.

The board members had no further questions. Johnston asked for comment from members of the public.

Leland Little addressed the board members, noting he owns the property across the street from the site. Little said he generally was in favor of rezoning the property for the purposes of development. He said he would like to hear the mind of the town board regarding its vision for the property and this area.

Weaver summarized there was a general hope among town board members that the parcel would be developed commercially. She noted the owner had been having trouble developing the property commercially, and she described the previous application earlier this year regarding rezoning the property to the Multi-Family zoning district. Weaver said the town board ultimately denied that request. Weaver said her sense is the applicants are requesting the current rezoning because the higher-intensity zoning district would make the property more marketable. Bell and Ferguson agreed. Ferguson said during the previous application flex space was identified as a potential use for the site.

Little noted the allowed uses for the High Intensity Commercial zoning district include single-family dwellings and accessory dwellings. Campbell clarified only one single-family dwelling and accessory dwelling could be built by right. She said a developer would have to go through the special use permit process to subdivide and build a housing development, for example. Campbell clarified the town allows single-family dwellings in almost all zoning districts because many districts have pre-existing single-family dwellings.

Miller addressed the board, noting he lives in the nearby Fiori Hill neighborhood. He expressed concern with the intensity of the uses allowed in the High Intensity Commercial zoning district. He said noise and light pollution could result from those uses, such as from an all-night gas station. Miller noted any use allowed for the High Intensity Commercial zoning district would be allowed by right. He pointed out two nearby residential areas, Fiori Hill and the Eno Haven Apartments. He said a thoroughfare connecting to U.S. 70A could be problematic given the area's terrain. Miller noted the property could be subdivided, with each new owner having access to the full list of High Intensity Commercial uses.

Mark O’Neal of Pickett Sprouse Real Estate addressed the board members. O’Neal said during the previous application to rezone this property the applicants learned the Planning Board members saw the lot’s existing zoning district as limiting. He said the applicants are trying to make the property more marketable. O’Neal said the requested zoning and its uses would be consistent with surrounding properties’ zoning districts and uses. He said the town’s Comprehensive Plan also calls for retail services in this area.

When asked, applicant Mark Trustin declined to speak and said O’Neal and Wirt had done a good job representing the application.

Matt Epstein addressed the board members, noting he lives in the Fiori Hill neighborhood. He said retail is important to Hillsborough, but he expressed concern the rezoning would be too extreme a step. Epstein said the board members should consider every possible use that would be allowed by right on the rezoned property. He said if the board members are comfortable with the most intense allowed use, and that use fits the town’s Comprehensive Plan for the area, the rezoning should proceed. However, if the most intense allowed use does not seem like a good idea for that area, he said the board members should not allow the rezoning. Epstein said rezonings should only proceed to correct a zoning mistake or if the conditions for the original zoning have changed. He questioned the applicant’s argument that rezoning the property would align it with surrounding uses, which he said are not clearly consistent with the uses allowed in High Intensity Commercial zoning districts. Epstein said a smaller rezoning step could be taken to allow less-intense development than the requested zoning district.

There were no further comments for this item.

November Planning Board Meeting:

At the November Planning Board meeting there was discussion amongst the board members as to the appropriateness of all the uses permitted in the HIC zoning district. Member Salvi had concerns about the intensity and density of what could potentially go at this busy intersection. The Planning Board voted 6-1 to recommend approval.

Financial impacts:

None.

Staff recommendation and comments:

None.

Action requested:

Approve or deny the request for rezoning.

Town Board's Statement per N.C. Gen. Stat. 160D-605

The Town of Hillsborough Town Board has received and reviewed the application of Town of Hillsborough, North Carolina to amend the Town of Hillsborough Official Zoning Map as follows:

Rezone 15.38 ac PIN 9874429362 from LO (Limited Office) to HIC (High Intensity Commercial).

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

The rezoning is consistent with the Vision 2030 plan as it supports economic diversity in the community by making more commercially zoned land available for future development.

Adopted by the Town of Hillsborough Board of Commissioners this 12th day of December, 2022.

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Zoning Map of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains:

- Section 1.** An application has been made for the zoning map amendment of the property herein.
- Section 2.** The application has been referred to the town Planning Board for its recommendation and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate.
- Section 3.** The town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is in reasonable and in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone 15.38 ac PIN 9874429362 from LO (Limited Office) to HIC (High Intensity Commercial).
- Section 5.** The legal description of the parcel area of PIN 9874429362 to be zoned HIC is as follows:
- BEING all of that tract or parcel of land labeled as Lot C Remainder consisting of 15.38 acres, more or less, as shown on that certain plat recorded in Plat Book 106, Page 28, Orange County Registry, which is also known as Orange County PIN 9874429362.
- BEING all of that certain tract or parcel of land known as Lot C according to plat of survey titled "PROPERTY SURVEYED FOR OWL'S WOOD DEVELOPMENT, LLC", dated December 11, 1998 by Callemyn-Parker, Inc., which plat is recorded in Plat Book 82, at Page 104 of the Orange County Registry.
- LESS AND EXCEPT that certain tract or parcel of land known as Lot C-1 according to final plat titled "RECOMBINATION SURVEY FOR OWL'S WOOD DEVELOPMENT, LLC", dated September 4, 2009 by Summit Consulting-Engineering, Architecture and Surveying, PLLC, which plat is recorded in Plat Book 106, at Page 28 of the Orange County Registry.
- Section 6.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 7.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:
Noes:
Absent or excused:

Sarah E. Kimrey, Town Clerk



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☐ Future Land Use Plan Map ☒ Zoning Map
☐ Comprehensive Plan Text ☐ Unified Development Ordinance text

Property Address: 1700 NC 86 South, Hillsborough, N.C. **PIN:** 9874429362

Applicant Name: Mark Trustin

Mailing Address: 221 Deer Chase Lane **Phone:** 919-490-1581

City, State, Zip: Durham, NC 27705 **E-mail:** mark@trustinlaw.com

Property Owner Name: Owls Wood Development LLC

Mailing Address: 221 Deer Chase Lane **Phone:** _____

City, State, Zip: Durham, NC 27705 **E-mail:** _____

Location/Streets Accessed: 1700 NC 86 south at corner of US 70-A Business

Current Zoning District(s): LO - Limited Office **Proposed Zoning District(s):** HIC - High Intensity Commercial
Acreage: 15.38 +/-

Water Service: ☒ Public Water ☐ Well **Sewer Service:** ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: N/A

Critical Areas:

☐ Flood ☒ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☒ Steep Slopes
☒ Easement See next page



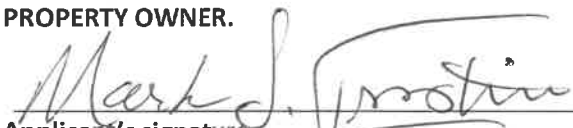
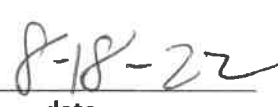

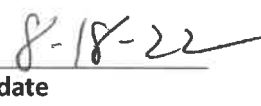
RECEIVED
8/23/2022
25

Tom

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

	
Applicant's signature	date
	
Property Owner's signature	date

Magr. Owl's wood

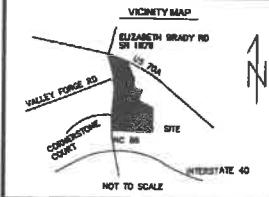
August 22, 2022

Amendment Request
Owls Wood Development,
Mark Trustin- Owner

1. This amendment aligns well with the Town's Land Use plan and the "2030 Vision Plan"; thus, providing additional marketable and flexible commercial uses consistent with zoning along Highway 86. High Intensity Commercial will allow uses which will contribute positively to Hillsborough's image and commercial tax base.
2. This property has been under contract four times since the Great Recession. Those contracts were terminated due to conditions such as rezoning risks, a Town moratorium on development, uncertain impacts of the Orange Grove Road Extension, and potential impact from unknown off-site development costs. These factors have created uncertainty for Buyers. Rezoning will define the potential allowed uses and reduce that risk. The current zoning is "Limited" and extremely limiting. Limited Office zoning allows Artisan Studios, Banks, Funeral Homes, Gallery/Museums, Libraries, Meeting Facilities, Offices, Park and Ride, Personal Services, Public Safety, and Transit Passenger Terminals. LO does not allow FLEX, Hotels, Restaurants, Child or Adult Care, Health Care, Fitness, or Retail.
3. HIC will provide options for a variety of service and retail businesses such as hospitality, restaurant, grocery, and flex space for small businesses.
4. Much of the surrounding land has already been developed. The proposed amendment is consistent with zoning along Hwy 86 and Business 70A with the other High Intensity Commercial, Entrance Way Special Use, and Economic Development District zoning across the highway, which includes Cornerstone Court and Valley Forge Road. See attached zoning map.
5. Rezoning to HIC is consistent with the development patterns in the area. As mentioned above, the surrounding developments are zoned High Intensity Commercial, Entrance Way Special Use, and Economic Development District which allow for defined retail and commercial uses. The rezoning proposed for this property is a logical pattern to allow for similar use in the same corridor.

6. Premature development is not a risk on this site. There have been multiple site plan iterations considered during the previous rezoning attempts and the desired use by the town and potential developers is now well understood. The site is well suited for development today, with all utilities present to serve the site.
7. The topography does not lend itself to large sprawling buildings.
8. Allowed uses in HIC are consistent with current uses along Hwy 86, Cornerstone Court, Valley Forge Road, and Business 70A.
9. The additional commercial services will add to the convenience of the location and contribute to property values.
10. Due to the topography and steep slopes along the eastern boundary of the property, a significant greenway and wildlife buffer along the creek and Town's sewer line easement will be preserved. The stormwater control measure will comply with all stormwater management regulation stipulated by the Town of Hillsborough and could also recoup some function for wildlife and air quality with vegetated plantings required to treat stormwater runoff. In general, HIC uses are low water and sewer users. Given the existing public road structure and local nature of this site, there will be minimal other environmental impacts. Impact would likely come from additional I-85 retail users on that short stretch of Hwy 86.

FILED
DECEMBER 31, 1998
N.C. DEC 31 A 10 20
JONCEMAN
REGISTER OF DEEDS



I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 47-30 (X)(X)(X). This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER

I ALSO CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 47-30 (X)(X)(X). THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER

SCALE 1" = 100'

PROJECT NUMBER
88-318

TAX MAP NUMBER
4.40.4.8

PN NUMBER
9874-91-2-444

DRAWN BY
EWP

CHECKED BY
J. RAY

DRAWING NAME
88-318

REFERENCES
PB 87/41 PB 87/50
PB 47/72 PB 48/158
PB 88/188 PB 400/505
PB 74/127 DB 822/818
PB 60/188 DB 224/844
PB 58/188 DB 223/848
PB 60/255 PB 74/252
PB 48/15 PB 58/27
PB 58/38 PB 58/38

REVISIONS

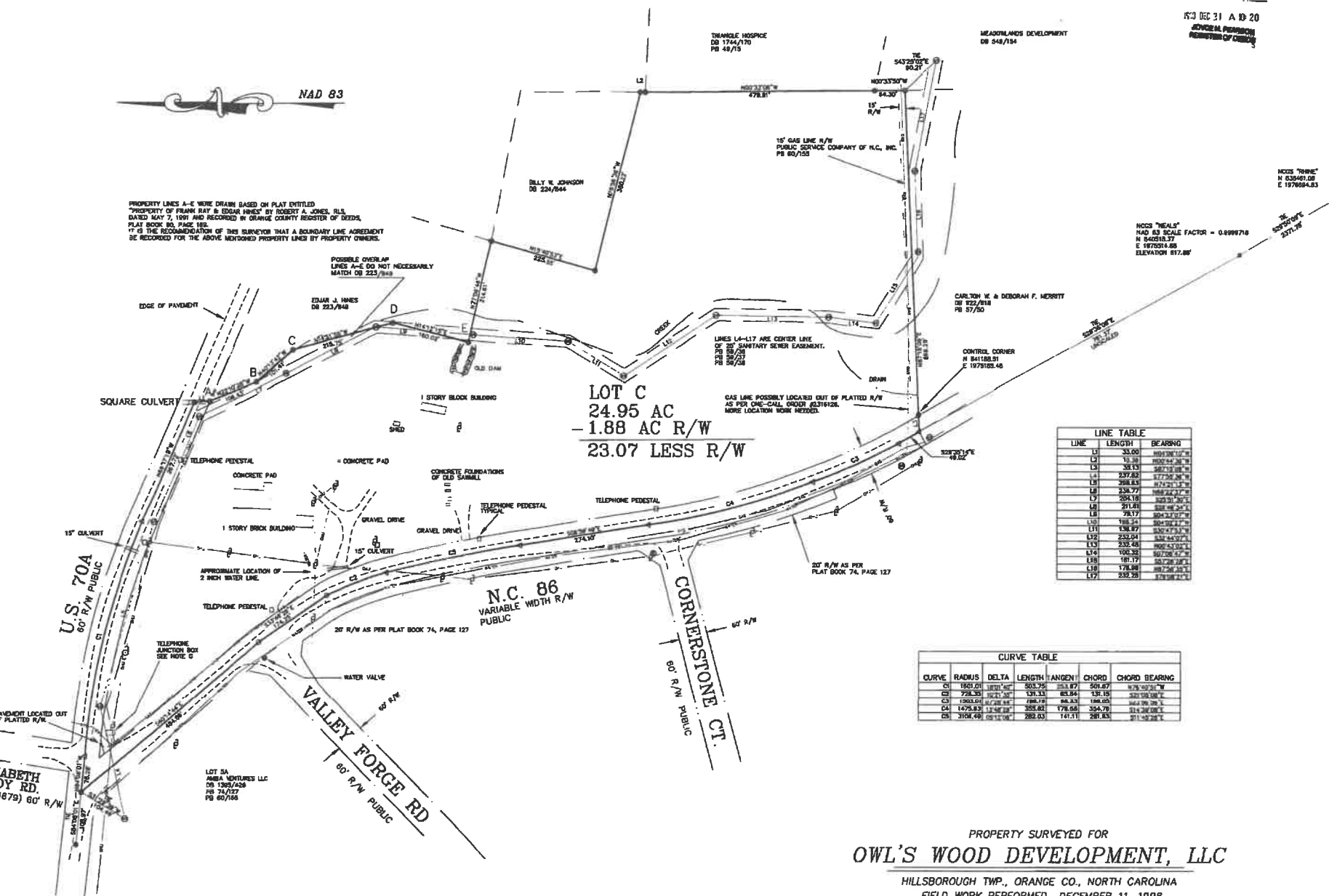
NUMBER DESCRIPTION DATE BY

OWNER'S ADDRESS
J. FRANK RAY
301 NORTH CHURTON ST.
HILLSBOROUGH, NORTH CAROLINA 27278

LEGEND

— O — IRON PIN SET
— ● — EXISTING ROCK/MAIL/ROCK
— — CONC. MONUMENT SET
— — EXISTING CONC. MON.
— — MATHEMATICAL POINT

CALLEMYN PARKER INC.
ENGINEERING & LAND SURVEYING
104 N. CHURTON ST., HILLSBOROUGH, NC 27278
VOICE (919) 732-3885 FAX (919) 732-8876
callemparker@earthlink.net
http://www.callemparker.com



LINE TABLE		
LINE	LENGTH	BEARING
L1	35.00	N 89° 38' 11" W
L2	10.36	N 89° 34' 38" W
L3	30.15	N 89° 31' 10" W
L4	237.82	N 77° 58' 28" W
L5	298.83	N 74° 21' 21" W
L6	238.77	N 68° 42' 37" W
L7	204.18	N 53° 31' 30" W
L8	211.81	N 48° 48' 34" W
L9	28.17	N 80° 33' 37" W
L10	188.34	N 80° 30' 47" W
L11	138.87	N 83° 43' 37" W
L12	232.04	N 82° 42' 33" W
L13	232.48	N 80° 43' 04" W
L14	100.32	N 80° 30' 47" W
L15	181.17	N 53° 31' 30" W
L16	178.98	N 48° 48' 34" W
L17	232.25	N 74° 21' 21" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
C1	1881.01	180° 00' 00"	503.75	503.87	503.87
C2	238.26	180° 00' 00"	131.33	65.84	131.15
C3	1783.03	180° 00' 00"	188.19	188.05	188.05
C4	1475.83	134° 48' 38"	355.82	178.68	354.78
C5	2108.48	109° 11' 08"	282.03	141.11	281.83

PROPERTY SURVEYED FOR
OWL'S WOOD DEVELOPMENT, LLC
HILLSBOROUGH TWP., ORANGE CO., NORTH CAROLINA
FIELD WORK PERFORMED DECEMBER 11, 1998
PROPERTY AS DESCRIBED IN D.B. 608 , PG. 505
STANDING IN THE NAME OF
J. FRANK RAY AND EDGAR J. HINES

THIS PLAT DOES NOT REQUIRE APPROVAL.
Margaret A. Heath 12/31/98
PLANNING DIRECTOR

NOTE "1"
THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON MEASUREMENTS AND RECORDS PROVIDED TO THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM FIELD EVIDENCE. SHOWN HEREIN AND ADDITIONAL BURIED UTILITIES MAY EXIST. CONTACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

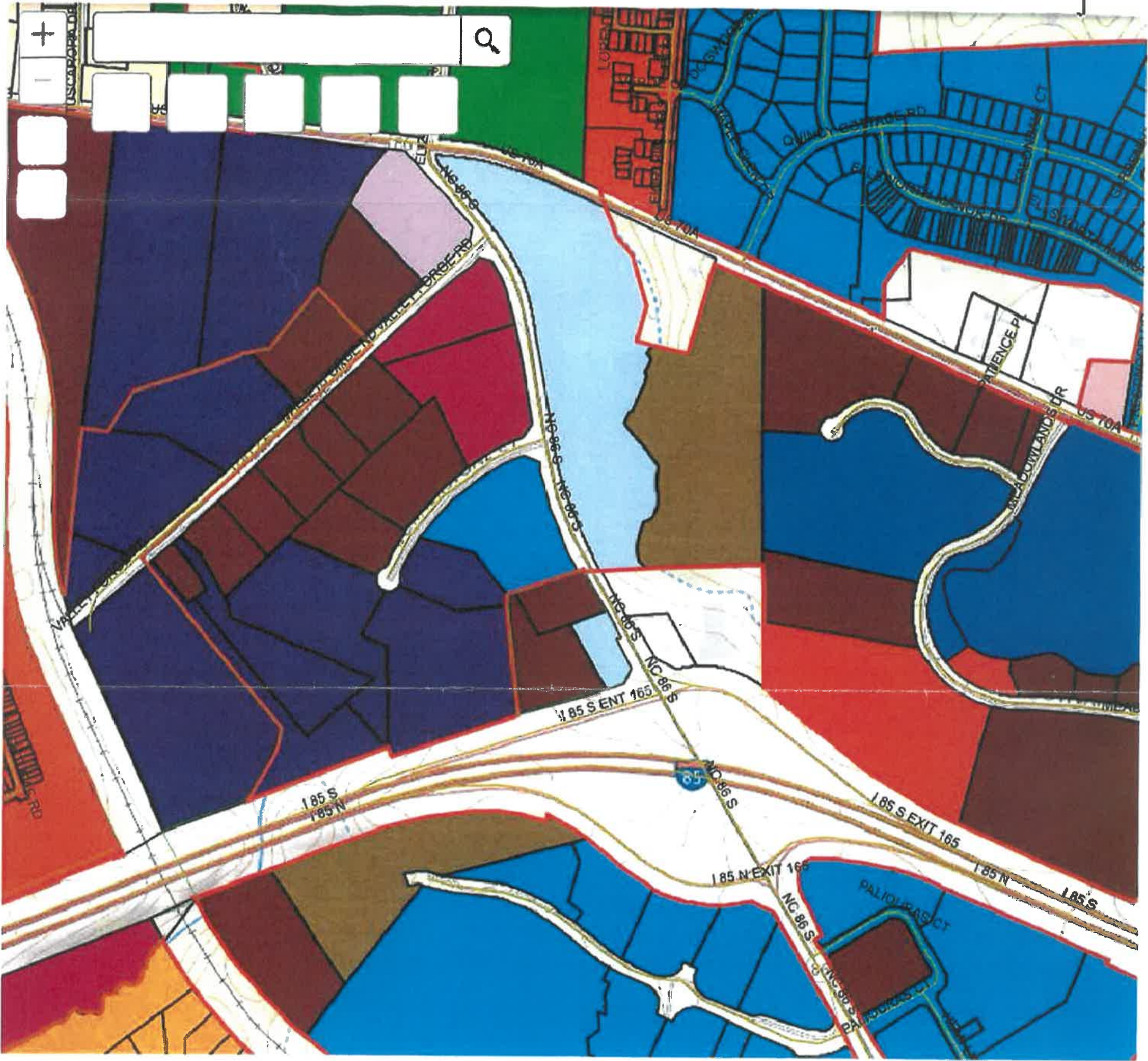
NOTE "2"
ALL DISTANCES ARE HORIZONTAL DISTANCES AND AREA BY COORDINATE COMPUTATION.

NOTE "3"
THIS SURVEY WAS DONE WITHOUT A TITLE SEARCH AND IS BASED ON REFERENCES HEREIN. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH COULD AFFECT THIS PROPERTY.

NOTE "4"
THERE ARE 3 BURIED TELEPHONE CABLES IN AND ALONG THE EASTERN RIGHT OF WAY OF US 70A. THERE ARE HANGERS BURIED TELEPHONE CABLES IN THE AREA CLOSE TO THE TELEPHONE JUNCTION BOX AT THE INTERSECTION OF NC 86 AND US 70A. CONTRACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

NOTE "5"
SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED DURING THIS SURVEY. ALL RESOURCES, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREIN. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONTAINERS WHICH MAY AFFECT THE USE OF THIS TRACT.





Owls Wood

600ft
19 06 1 36 062 Degrees

<https://hso planning.maps.arcgis.com/apps/webappviewer/index.html?id=554a1f092d844130b11e2d0ef8722699>



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Dec. 12, 2022
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	Oct. 20, 2022

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: General Use Rezoning and Future Land Use Plan Amendment - 1220 NC 57, OC PIN 9875075617; Business Park to Office and Institutional and Update the Future Land Use Map from Light Industrial to Suburban Office

Attachments:

1. Consistency Statement
2. Rezoning Ordinance
3. Rezoning and FLUP Amendment Application Materials & Maps

Summary:

The parcel is vacant and is adjacent to Eno River Academy, on the north side of town.

The request is for a general use rezoning— meaning a range of uses are permitted by right. This is a legislative decision for the board – meaning the members can take a wide range of information into consideration and testimony may be in writing and does not need to be sworn. The board has broad discretion in determining whether to approve this request. No statements by the applicant as to potential use of the property are binding on the applicant or the town. For this reason, the town requires no development plans from applicants seeking rezoning to a general-purpose district.

GENERAL STANDARDS/FINDINGS OF FACT:

Before amending this Ordinance or the Official Zoning Map, the Town Board must find, after conducting the process below, that the request is not inconsistent with the adopted Comprehensive Plan for the Town of Hillsborough.

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the Town Board. In determining whether to adopt a proposed amendment, the Town Board shall consider and weigh the relevance of the following factors:

- (a) The extent to which the proposed amendment is consistent with all applicable Town-adopted plans;
- (b) The extent to which there are changed conditions that require an amendment;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;
- (d) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

- (e) The extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (f) The extent to which the proposed amendment would encourage premature development;
- (g) The extent to which the proposed amendment would result in strip or ribbon commercial development;
- (h) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts;
- (i) The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- (j) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

October Joint Public Hearing Minutes:

- C. General Use Rezoning and Future Land Use Plan Amendment: 1220 N.C. 57 — To rezone from Business Park to Office and Institutional (OC PIN 9875075617)

Campbell presented the staff report. She clarified no annexation is associated with this application. She said although the approximately 5-acre property is disconnected from the main part of town, it was previously annex into the town and zoned. She said the property is adjacent to the Eno River Academy. The applicant requests to amend the Future Land Use Plan and rezone the land from Business Park to Office and Institutional. She displayed a map and photographs of the property, pointing out its location on an area map.

Johnston referred the board members to information on pages 33 and 34 of the agenda packet. He invited the applicant to speak.

Laura Loehr addressed the board members. She said she would like to build an indoor pickleball facility on the property. Loehr said the facility would not be large and would fit well on the lot. She said she hopes to bring America's fastest growing sport to Hillsborough. Loehr said there are few such facilities in North Carolina and thus the facility would become a destination, with people traveling to play on an indoor court. She said she hopes to build a facility similar to one in Leland, N.C. Loehr said the requested zoning would overlap with that of the adjacent Eno River Academy, noting the school has a gym. She said the project would fall under the "recreational facilities" use.

Ferguson said she has visited the Leland, N.C., pickleball facility. Loehr said her facility would be nearly identical to the Leland facility. Ferguson expressed excitement about the proposed project.

Loehr added although pickleball is played at the Orange County Sportsplex, the balls and surfaces used there are different, resulting in slower play. When asked, she said she plans six courts. She said she had not finalized the facility's hours of operation but anticipated it being open from 8 a.m. to 9 p.m.

When asked, Loehr said she had been looking for a site for about six months. She said Hillsborough would be a good location because it would attract people from Durham, Chapel Hill, Mebane and Burlington.

When asked, Loehr said pickleball tournaments ideally need at least eight courts. She said she wants to bring professional players to the facility for exhibition and clinics, noting former professional pickleball player Noah Sariban was with her tonight.

Weaver asked Campbell what water and sewer impacts rezoning the property would have, noting the rezoning would allow any use allowed by right in the Office and Institutional zoning district. Weaver also noted the town is nearly finished crafting its Comprehensive Sustainability Plan. She asked Campbell what the best practice would be regarding amending the Future Land Use Plan so close to completing the Comprehensive Sustainability Plan.

Campbell said she reached out to Utilities Director Marie Strandwitz, who reported the projected water and sewer use for the pickleball facility would not be much more than for a single-family home. When asked, Loehr confirmed the facility probably would have one shower each for men and women. Campbell said the proposed use would not strain the town's water and sewer capacity, any other uses permitted in the district would have to be evaluated as to whether or not the town could serve them based on available sewer capacity.

Campbell said rezoning from Business Park to Office and Institutional would not constitute a large difference. She said the Office and Institutional zoning district might be more appropriate given what is on the parcel. She briefly described the parcel. When asked, she said Eno River Academy's land is zoned Business Park.

Salvi said she is not opposed to pickleball but is concerned the land could be used for any use allowed by right in the Office and Institutional zoning district. She worried the land could be sold and a more water-intense use built. Salvi asked if the town had a way to stop the land being developed for other uses if water and sewer capacity becomes a concern for the site.

Campbell said the town would evaluate the water and sewer usage when the site plan was submitted. Campbell said the town could determine water and sewer could not be extended if capacity is not available. When asked, Campbell confirmed Eno River Academy has water and sewer service. She pointed out a sewer line on the property.

Salvi said she felt uneasy about the site's water and sewer impacts and whether upgrades would be needed.

When asked, Campbell said this parcel is not part of any discussions about potential de-annexation of town property.

Johnston invited members of the public to speak.

Sariban addressed the board in support of the pickleball facility. He said he played professionally from 2017 to 2020 and now teaches pickleball. Sariban said he also is a physical therapist and noted the sport's health benefits. He said the sport's popularity is growing quickly, and people have few options for playing indoors on the correct surface in winter. He said there are no such facilities nearby, and people would come to Hillsborough from far away to play pickleball at the facility. Sariban said those people also would eat at Hillsborough's restaurants while in the area.

When asked, Sariban said the space could be used for other events, but those events probably would be related to pickleball, such as professional exhibitions. He explained tennis uses the same surface as pickleball but is played on a larger court.

Salvi expressed concern that a large tournament would attract too many cars for the site. Sariban explained the facility would be too small for a tournament. He said typical tournaments use between 14 and 50 courts, as opposed to the proposed facility's 6 courts.

There were no further comments for this item.

November Planning Board Meeting:

The Planning Board discussed the permitted uses allowed in the O&I zoning district versus Business Park and the constraints on the site. They also discussed the proximity to the existing school and whether or not the uses allowed in O&I would be compatible with that and the surrounding existing uses. The board voted 7-0 to recommend approval of the rezoning and future land use plan amendment.

Financial impacts:

None.

Staff recommendation and comments:

None.

Action requested:

Approve or deny the request for rezoning and future land use plan amendment.

Town Board's Statement per N.C. Gen. Stat. 160D-605

The Town of Hillsborough Town Board has received and reviewed the application of Town of Hillsborough, North Carolina to amend the Town of Hillsborough Official Zoning Map and Future Land Use Plan Map as follows:

Rezone 5.44 ac PIN 9875075617 from BP (Business Park) to O&I (Office and Institutional) and modify the future land use plan for the same parcel from Light Industrial to Suburban Office.

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

The rezoning and future land use plan amendment is consistent with the Vision 2030 plan as it supports economic diversity in the community by making more commercially zoned land available for future development and it encourages land development patterns that maximize the diversity of land uses across town.

Adopted by the Town of Hillsborough Board of Commissioners this 12th day of December, 2022.

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Zoning Map and Future Land Use Map of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains:

- Section 1.** An application has been made for a zoning map amendment and future land use map amendment of the property herein.
- Section 2.** The application has been referred to the town Planning Board for its recommendation and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate.
- Section 3.** The town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is in reasonable and in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone 5.44 ac PIN 9875075617 from BP (Business Park) to O&I (Office and Institutional) and the Future Land Use Plan Map is hereby amended to move this parcel from Light Industrial to Suburban Office designation.
- Section 5.** The legal description of the parcel area of PIN 9875075617 to be zoned O&I is as follows:
- BEING all that certain tract or parcel of land being designated as LOT B, as shown on plat entitled "Final Plat Property Surveyed for CCD Corp. LOTS "A"-"D". LOT B contains 5.44 acres, more or less, as shown on plat of survey recorded in Plat Book 104, at Page 58, to which reference is hereby made for a more particular description of the same.
- Section 6.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 7.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☒ Future Land Use Plan Map

☒ Zoning Map

☐ Comprehensive Plan Text

☐ Unified Development Ordinance text

Property Address: 1200 NC 57 Hillsborough

PIN: 9875075617 (PB 104 PG 58 DB 5654 PG 388)

Applicant Name: __ Laura Loehr with Loehr Ross Holdings

Mailing Address: 3619 Hathaway Road **Phone:** 919-619-5023

City, State, Zip: Durham NC 27707 **E-mail:** lloehr.tennis@gmail.com

Property Owner Name: Same as above

Mailing Address: as above **Phone:** as above

City, State, Zip: as above **E-mail:** as above

Location/Streets Accessed: NC 57

Current Zoning District(s): BP

Proposed Zoning District(s): O and I

Acreage: 5.4411

Water Service: ☒ Public Water ☐ Well

Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: None

Critical Areas:

☒ Flood ☒ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☐ Steep Slopes

☒ Easement

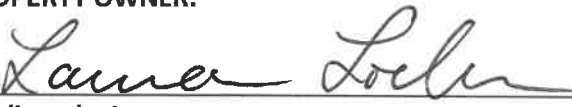
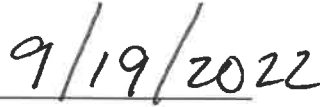
See next page

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

see attached Page

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

	
Applicant's signature	date
	
Property Owner's signature	date

Future land use amendment

We request future land use amendment to suburban office. Suburban office fits well with the current developments immediately around this area including schools, residential subdivision, and also down the road from gas station and multiple businesses.

Response to questions for application for 1220 NC 57, 9/2022

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.

The planned facility is an indoor pickleball facility which meets the classification for O and I zoning request.

2. The extent to which there are changed conditions that require an amendment.

The property is zoned BP (business park) and the use Recreational Facilities (zoning designation for indoor tennis which is most consistent with indoor pickleball courts) is not permitted. Requesting O and I which does include recreational facility.

3. The extent to which the proposed amendment addresses a demonstrated community need.

Pickleball is the fastest growing sport in the US, and there is a deficit of courts available to meet the need. In addition, dedicated indoor pickleball courts are even more scarce and offer the ability for year-round play and instruction. Dedicated indoor pickleball courts refers here to pickleball courts not used for other sports activities such as basketball or tennis, and in which the courts are a hard surface court (as used in tennis) but properly lined and sized for pickleball.

4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Surrounding properties include a school, commercial office/warehouse, woods, residences, and cultivated farmland. The surrounding properties to the west and south have a Town of Hillsborough Business Park (BP) zoning classification. The surrounding properties to the north and east have an Orange County Agricultural Residential (AR) zoning classification. We are requesting a change from BP to O and I which is compatible with surrounding uses.

5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.

This is a partially graded property with available water and sewer. The proposed development is not going to cause disruption in terms of sound or lights to the area. There will be adequate parking on site so that traffic flow will not be disrupted on highway 57. The O and I use fits in with the logical development of this area.

6. The extent to which the proposed amendment would encourage premature development.

Given surrounding uses of a school and warehouse, it does not seem premature to place this facility here, but rather facilitates a logical development of this property. The nearby school has a gym and sport fields so this would be in-line with that.

7. The extent to which the proposed amendment would result in strip or ribbon commercial development.

The current planned development is a recreational facility and there are no plans for a strip or ribbon commercial development. The change from BP to O and I does not increase the likelihood of a strip or

commercial development.

8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.

Our proposed plan to change to O and I is consistent with surrounding zoning of BP. This seem compatible to be located close to each other.

9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.

The amendment to change from BP to O and I should not have any adverse effect on the surrounding property values. The development of an indoor pickleball facility will likely increase property values.

10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The amendment change from BP to O and I should not have any adverse effect on environmental impact. Our proposed indoor pickleball facility should have negligible local environmental consequences. This facility is modelled after the House of Pickleball in Leland, NC (www.House of Pickleball.com) which has been in existence for 4 years with no negative environmental impact noted.

Aerial view of lot taken earlier this year:



48397
aw

GENERAL WARRANTY DEED

PIN # 9875-07-5617 **LYB**
Prepared by: D. MICHAEL PARKER
Return to: Grantees @ 3619 Hathaway Road, Durham, NC 27707
Revenue Stamps = \$550.00

NORTH CAROLINA
ORANGE COUNTY

THIS DEED, made and entered into this the 30 day of June, 2022,
by and between, **HIGHWAY 57, LLC** a North Carolina limited liability company, Party of
the First Part, (hereinafter referred to as "Grantor"), and **LAURA LOEHR**, married, 3619
Hathaway Road, Durham, NC 27707, Party of the Second Part, (hereinafter referred to as
"Grantee"),

WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS
(\$10.00) to it in hand paid and other good and valuable considerations, the receipt of which
is hereby acknowledged, has and by these presents does grant, bargain, sell and convey
unto the Grantee in fee simple all that certain tract or parcel of land located in **Hillsborough
Township, Orange County, North Carolina** and being more particularly described as
follows:

Being all that certain tract or parcel of land being designated as **Lot B**, as shown on plat
entitled "Final Plat Property Surveyed for CCD Corp. Lots "A" - "D". **Lot B contains
5.44 acres**, more or less, as shown on plat of survey recorded in Plat Book 104, at Page 58,
to which reference is hereby made for a more particular description of the same.

Submitted electronically by "Metro Title Company"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Orange County Register of Deeds.

Submitted electronically by "Metro Title Company"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Orange County Register of Deeds.

This property is not the Grantor's personal residence.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that the Grantor is seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions, if any, set forth above.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed under seal in its name by its manager as the official act of the limited liability company, the day and year first above written.

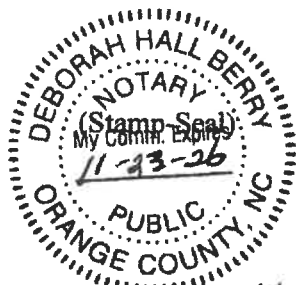
[The remainder of this page is intentionally blank]

HIGHWAY 57, LLC**a North Carolina limited liability Company****By: Hillsborough Development Partners, LLC****a North Carolina limited liability company, its Manager**By:  (SEAL)
JAMES W. PARKER, JR.

 NORTH CAROLINA
 COUNTY OF Orange

I, the undersigned Notary Public of the State and County aforesaid, do hereby certify that **JAMES W. PARKER, JR.** personally appeared before me this day and acknowledged that he is a Manager of Hillsborough Development Partners, LLC, a North Carolina limited liability company; that Hillsborough Development Partners, LLC is the Manager of **HIGHWAY 57, LLC**, a North Carolina limited liability company; and that by authority duly given, he voluntarily signed the foregoing instrument for and on behalf of Hillsborough Development Partners, LLC in his capacity as a Manager of the limited liability company.

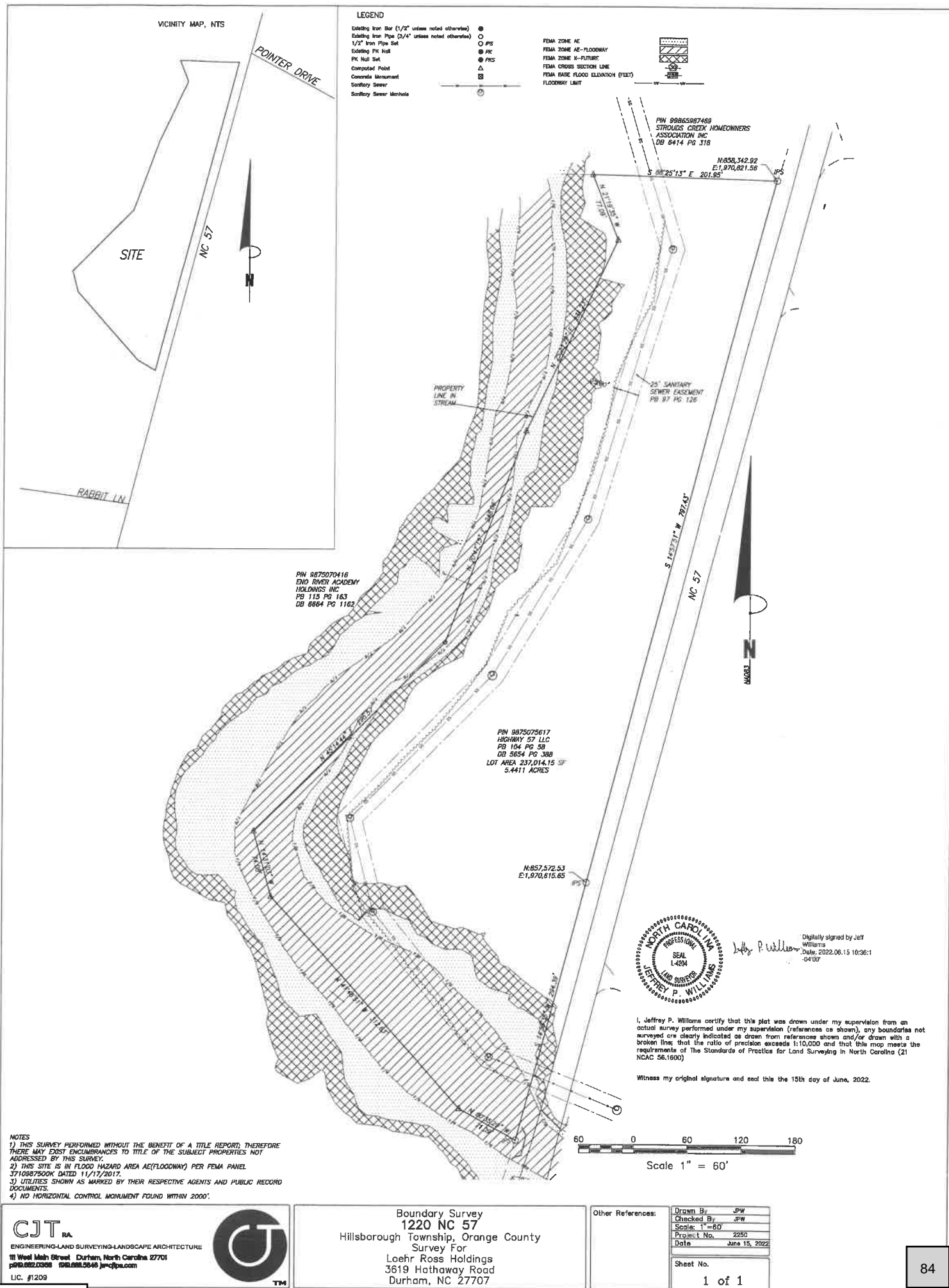
Witness my hand and official stamp or seal, this the 30th day of June, 2022.




 Signature of Notary Public

Deborah Hall Berry
 Printed or Typed Name of Notary Public

My Commission Expires: 11-23-26





Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Planning and Econ. Dev.
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: Oct. 20, 2022

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment - Section 6.7.5 Fenestration

Attachments:

Ordinance amending the UDO

Summary:

In 2018 (?), the town planning and public space divisions got together and revised a handful of provisions in the Section 6 Design Standards to make the section require that new construction and redevelopment of commercial buildings and parking areas be more pedestrian oriented in design, required that more varied and high-quality building materials be used, and imparted design elements to make buildings generally more aesthetically pleasing. These design standards apply to all uses within the town.

Through application of the fenestration and glazing requirements town planning staff heard and saw some frustration through the development review process from architects and applicants that the glazing requirements were too large for certain uses and also for users in smaller buildings that were trying to accommodate glazing requirements with the location of interior restrooms, stockrooms, equipment rooms, etc. The amendments proposed reduce some of the overall glazing requirements and also specifically calls out that faux glass can be used to mimic the appearance of glass in places where transparent glass giving a view to the interior of the building may not make sense.

October Joint Public Hearing Minutes:

- E. Text amendment to the Unified Development Ordinance: Section 6.7.5 — To change requirements for “Fenestration”

Campbell presented the staff report. She said Section 6 of the ordinance regarding development standards was rewritten several years ago to require buildings to be more pedestrian-oriented, and those changes included fenestration and glass requirements. She said staff has run into issues enforcing these requirements for uses like warehouses and flex space that do not need a lot of glass, particularly when back walls face woods or when the ordinance requires windows in bathrooms and storage spaces. Campbell said staff has modified the requirements to reduce the amount of required glass and to clarify spandrel glass or faux glass options available for developers.

Commissioner Matt Hughes, Ferguson and Campbell discussed the ABC Store on Old N.C. 86 as an example of a building that had difficulty meeting the ordinance’s glass requirements. Campbell added staff had heard

feedback from flex spaces and other businesses on Meadowlands Drive that back up to wooded buffers but were required to have glass on their rear walls.

There were no further comments for this item from the board members or the public.

November Planning Board Meeting:

At the November Planning Board meeting the Planning Board discussed whether or not they were comfortable with lowering the minimum glass coverage down to 35% on ground floors and 20% of upper floors. The Planning Board voted 6-1 to recommend approval of this text amendment to approve this text amendment with the minimums raised to 40% on ground floors and 25% on upper floors.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval as written.

Action requested:

Approve, deny, or approve with changes the language modifying the unified development ordinance.



ORDINANCE

Amending the Unified Development Ordinance of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains the following amendments:

6.7.5 FENESTRATION AND GLAZING

- 6.7.5.1** Buildings shall not have a blank wall oriented to a public or private street.
- 6.7.5.2** *Ground-floor building facades adjacent to existing or proposed public or private streets shall include window and glass door openings such as windows and doors shall account for openings comprising a minimum of 50% 40% on the of ground floors of the facades and 30% 25% of the upper floors of the facades. On buildings with at least one tenant space 30,000 sf or larger, openings such as windows and doors shall account for a minimum of 30% of the front façade.*
- 6.7.5.3** Street level glazing shall be visually transparent, although UV coatings are permitted. Mirrored glass is prohibited. *Spandrel and faux glass are permitted where interior views are not possible or feasible due to interior location of equipment, kitchens, production or stock areas, restrooms, and other uses where interior views are not appropriate. Transom windows are encouraged and may be used in meeting the requirements of 6.7.5.2 in these locations to provide natural light to the interior of the structure.*
- 6.7.5.4** Windows shall have a vertical-to-horizontal ratio of 1:2 except where storefront glass is employed. Two or more vertically oriented windows may be grouped together provided *grouped windows grouped* are the same size. This does not apply to buildings with at least one tenant space 30,000 sf or larger.
- 6.7.5.5** Design treatments intended to simulate windows that have been covered or filled in are prohibited. *Example below:*



The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: Community Services
Agenda Section: Regular
Public hearing: No
Date of public hearing:

PRESENTER/INFORMATION CONTACT

Margaret Hauth, Assistant Town Manager

ITEM TO BE CONSIDERED

Subject: Review of town code amendments related to appointed board procedures

Attachments:

1. Amendment summary
2. Ordinance amending Town Code

Summary:

In September, a list of amendments and adjustments related to appointed boards was discussed at the workshop. Staff have prepared the amending ordinance to implement these changes for discussion. Some amendments are straight-forward relocation of text while others are more substantive. This opportunity for more discussion is being provided to avoid unintended consequences. The amendment summary attachment helps clarify which sections of the ordinance make which changes.

These amendments do locate all appointed board language in one section of the town code, establish a consistent attendance policy, require all appointees to be sworn in, and provide clarity on volunteer orientation.

These amendments may conflict with individual board rules of procedures or other operating documents. Staff will begin that review next and resolve any conflicts in coordination with the appointed board.

These amendments do not change the membership on any board. The interest to expand membership of the Tourism Development Authority will continue to be worked on in coordination with that board.

If adopted, a training session will be held with support staff to ensure consistent implementation and coordinate rules of procedure reviews with the appointed boards.

Financial impacts:

Staff recommendation and comments:

Action requested:

Discussion and direction

Summary of Town Code amendments related to appointed boards

This list groups the changes by general purpose and provides a brief description. The ordinance that amends the town code has the complete language and places amendments in the order in which text appears in the code rather than by topic. Cross references to the section and page of the amending ordinance are included below.

Basic Structure/organization

1. Create new article (Appointed Boards, Task Forces, And Authorities) within Section 3 to address all appointed boards (amending ordinance section 3)
2. Move language creating Tourism Board into this new article. (amending ordinance section 9)
3. Move language creating Tourism Development Authority into this new article. (amending ordinance section 10)
4. Move language creating Planning Board, Board of Adjustment, and Historic District Commission, into the new article. (amending ordinance section 4)
5. Move language creating Tree Board out of Chapter 7 and into the new article. (amending ordinance section 5)
6. Delete text related to Cable Television Committee, Occoneechee Mountain Park Committee, and Cemetery Committee (amending ordinance section 6)
7. Move Parks and Recreation board language to new article, with minor amendments. (amending ordinance section 7)
8. Add Section 3-69, Water and Sewer Advisory Committee with language drawn from the establishing resolution. (amending ordinance section 8)
9. Create new article titled "Miscellaneous" within Chapter 3 to capture the other language that followed appointed boards (amending ordinance section 11)

Additions regarding boards generally, recruitment, and orientation

- 1) At the beginning of new article, clarify that the board can appoint standing or temporary boards.
- 2) Describe the recruitment process generally
- 3) Describe orientation generally
- 4) Describe attendance standards that apply to all appointed boards (reminder at 1/3 vacancy, automatic removal at ½ vacancy within 10 month (not calendar year))

Other, related clean-up

- 1) Streamline language about appointing a town board member in the case of vacancy in Chapter 2. (amending ordinance section 1)
- 2) Move park naming language away from the Parks and Recreation Board and group with other park related language in Section 3, article 7. (amending ordinance section 2)
- 3) Create reserved section numbers at article breaks throughout amended chapters.



ORDINANCE

Amending Town Code Chapters 2, 3, 6, and 8A

To consolidate and organize appointed board information

The Hillsborough Board of Commissioners ordains:

- Section 1.** Section 2-32 of the Town Code is renamed “Filling unexpired terms on the Board of Commissioners” and the existing language is replaced to read as follows:
- (1) When a vacancy occurs on the Board of Commissioners, the members shall discuss the process to recruit and fill the term at the board meeting as soon after the vacancy is announced or occurs as possible.
 - (2) The process must be approved by a majority vote of the board members.
- Section 2.** Relocate Section 3-29, Park Naming Procedure, to Section 3-52 in Article VII, Recreation. Designate sections 3-53 through 3-59 as reserved.
- Section 3.** Create Chapter 3, Article VIII, Appointed Boards, Task Forces, and Authorities, covering Sections 3-60 through 3-79.
- Section 4.** Renumber Section 3-21, Planning Board; Section 3-22, Board of Adjustment, and Section 3-23, Historic District Commission as 3-64, 65, and 66, respectively.
- Section 5.** Renumber Section 3-24, Tree Board, as 3-67. Delete cross reference to Section 7-36(c) and relocate that language, with amendments, to Section 3-67 as shown in the attached Article VIII.
- Section 6.** Delete current sections 3-25, Cable Television Committee; 3-26, Occoneetchee Mountain Park Committee; and 3-27, Hillsborough Cemetery Committee.
- Section 7.** Renumber Section 3-28, Parks and Recreation Board to Section 3-68, with amendments reflected in the attached Article VIII. Designate Sections 3-21 through 3-40 as reserved.
- Section 8.** Add Section 3-69, Water and Sewer Advisory Committee, as detailed in the attached Article VIII.
- Section 9.** Add Section 3-70, Tourism Board, as detailed in the attached Article VIII. The language reformats and replaces existing section 3-60 through Section 3-62.
- Section 10.** Add Section 3-71, Tourism Development Authority, as detailed in the attached Article VIII. The language reformats and moves existing Sections 8A-5, 8A-6, and 8A-7 into Chapter 3, Article VIII;
- Section 11.** Rename Chapter 3, Article IX, Tourism Board to Article IX, Miscellaneous. Relocate Section 3-52 through 3-57 to this article and number appropriately. Designate Section 3-86 and 3-99 as reserved.

Section 12. The amended language of Article VIII, Appointed Boards, Task Forces, and Authorities, and Article IX, Miscellaneous are attached for clarity

Section 13. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 14. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this [insert date] day of [insert month] in [insert year].

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

ARTICLE VIII. APPOINTED BOARDS, TASK FORCES, AND AUTHORITIES

Sec. 3-60 General

The Board of Commissioners may appoint volunteer boards to conduct portions of public business or to advise the board on items within their authority. An appointed board is expected to continue as described in this section unless eliminated by a majority vote of the Board of Commissioners. Appointed boards shall have a town staff support person who shall help organize the meeting schedule, maintain member lists, update public information regarding the board, prepare agendas and minutes, assist with advertising open positions and other duties to ensure proper function and that board actions are carried forth.

The Tourism Board and the Tourism Development Authority were created through local bills approved by the state legislature concurrent to enacting the prepared food and beverage tax and occupancy tax, respectively. If language or requirements in this section differ from the specific language in the local law, the local law will control.

The Board of Commissioners may also appoint task forces or study commissions to address short term or topic specific research. Such groups shall be established by resolution with a specific charge and an anticipated sunset date. The sunset date for any short-term committee may be extended by the board. The board may establish new appointed boards to continue the work of short-term committees upon a majority vote. This code must be amended to reflect any new committee without a sunset date.

Sec. 3-61 Recruitment and appointment

The designated staff support person for any town appointed board will be responsible for overseeing recruitment, appointment, and orientation of the members of the board they support.

Recruitment may be done through website advertising and notices, public advertising, membership committees or active boards and commissions, and other sources.

Appointment and reappointment items will appear on Board of Commissioners agendas for formal action. New appointees and reappointed members will take an oath of office before the town clerk or a notary public.

Sec. 3-62 Routine orientation for appointees.

The following orientation materials will be provided to each volunteer: board roster, town organizational chart including the advisory boards, the rules of procedure for their board, the current strategic and comprehensive plans for the town, and other support documents or maps relevant to that board. Staff will arrange for the administration of the new member's oath of

office, go over the orientation materials, and answer procedure and policy questions as needed, prior to the new member's first meeting as a board member.

New appointees are encouraged to attend a Board of Commissioners meeting within six months of appointment to any appointed board.

Sec. 3-63 Regular attendance a pre-requisite for continuing service.

Attendance at regularly scheduled board meetings is critical to continued membership on a board.

Staff shall notify any board member who misses one-third of regular meetings within any twelve-month period that regular attendance is required, and future absences may impact continued participation.

Any board member who misses half of regular meetings within any twelve-month period will be notified by staff that their term has been automatically ended.

Board members are eligible for re-appointment consistent with term limits for their board. Attendance records shall be provided with any re-appointment request to the board of commissioners.

Sec. 3-64. Planning Board.

There shall be a Planning Board, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-65. Board of Adjustment.

There shall be a Board of Adjustment, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-66. Historic District Commission.

There shall be a Historic District Commission, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-67. Tree Board.

There shall be a Tree Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The Tree Board shall serve as an advisory board to the Board of Commissioners with the following duties and responsibilities:

-
- (1) To hear all requests by Hillsborough residents and/or owners of property within the town for planting, maintenance, and removal of town trees. The Board of Commissioners maintains the right to review any such requests and the trees in question in determining whether to grant such requests.
 - (2) To facilitate the planting, growth, protection, and recommended removal of trees within the town.
 - (3) To foster education and communication among the citizens of Hillsborough that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town.
 - (4) To conduct, every two years, a periodic safety audit of existing town trees for the purpose of determining needed pruning and tree removal. Between audits, members should report such needs as they detect them.
 - (5) To investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals and to recommend the expenditure of any proceeds toward the accomplishment of the tree board's purposes.
 - (6) To establish guidelines for the selection and placement of trees on town property, which guidelines should be maintained as a separate document.
 - (7) To coordinate, insofar as appropriate, its purposes with those of the town Parks and Recreation Board, the Historic District Commission, and other town and county agencies.
 - (8) To submit an annual report to the Board of Commissioners.
 - (9) To create and promote an active urban forestry education program for all citizens of the town.
 - (10) To offer advice, when possible, to owners and developers of private property within town limits on the preservation of existing trees.
 - (11) To advise the town on the planting, pruning, maintenance, and removing of trees on town property.
 - (12) Residents of Hillsborough and/or property owners desiring to have a tree planted on town property shall obtain approval of the Tree Board.
- (b) Membership. The Tree Board shall consist of seven regular members. The Tree Board may determine the need for ex officio members to provide expertise. No more than three ex officio members may be appointed at any time.
- (c) Appointment. Members shall be appointed by the Board of Commissioners. Ex officio members may be appointed as necessary by a majority of Tree Board members.

-
- (d) Term of office. The terms of the regular members shall be staggered so that no more than three members' terms expire during the same year. In the event that a vacancy occurs during the term of any member, a successor shall be appointed by the town board for the unexpired portion of the term. Members shall serve a maximum of two consecutive three-year terms.
 - (e) Staff. The Public Space and Sustainability division shall provide staff support to the Tree Board.
 - (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
 - (g) Quorum. Four regular members shall constitute a quorum of the Tree Board. This number may be adjusted for vacancies. Staff and ex officio members are not qualified to vote.
 - (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.
 - (i) Compensation. Members of the Tree Board shall serve without material compensation.

Sec. 3-68. Parks and Recreation Board.

There shall be a Parks and Recreation Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The board shall be responsible for implementing the Parks and Recreation Master Plan adopted by the Board of Commissioners and master plans for specific facilities adopted by the Parks and Recreation Board. This general charge includes, but is not limited to, the following duties:
 - (1) Cooperate with Orange County to facilitate shared use and responsibility for publicly owned land.
 - (2) Concentrate on developing parks and recreation facilities that can be programmed for use by others.
 - (3) Coordinate with other town committees on items of mutual interest.
 - (4) Recommend funding priorities for parks and recreation projects to the town board.
- (b) Membership. The Parks and Recreation Board shall consist of no more than 12 members.
- (c) Appointment. The town board shall select members of the Parks and Recreation Board from as many different park districts as shown in the master park and recreation plan as is practicable. One seat on the Parks and Recreation board shall be reserved for a member who is 13 to 19 years old on the date of their appointment and one seat shall be reserved for a member who is over 55 years old on the date of their appointment. One seat shall be

a representative from the Hillsborough Planning Board, selected by that board. A member of the Orange County Parks and Recreation Council may serve as an ex officio member.

- (d) **Terms.** Board members shall serve for three-year staggered terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired. Four members shall initially be appointed for three-year terms, four with two-year terms, and four with one-year terms.
- (e) **Staff.** The Public Space and Sustainability division shall provide staff support to the Parks and Recreation Board.
- (f) **Meetings.** All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
- (g) **Quorum.** A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff and ex officio members are not qualified to vote.
- (h) **Rules of Procedure.** The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.
- (i) **Compensation.** Members shall serve without material compensation.

Sec. 3-69. Water and Sewer Advisory Committee

There shall be a water and sewer advisory committee, the establishment, powers and duties of which are provided for as follows.

- (a) **Powers and duties.** The general charge includes, but is not limited to, the following duties:
 - (1) Receive updates regarding key operational, policy, and financial issues facing the Water & Sewer Enterprise Fund.
 - (2) Request information from staff to stay informed and knowledgeable regarding key issues, concerns, and opportunities facing the Water & Sewer Fund.
 - (3) Offer recommendations to the town board regarding general operational, financial, public information, and other management issues affecting the of the Water & Sewer Fund.
 - (4) The committee will not make recommendations regarding individual personnel matters (e.g., hiring, firing, and disciplinary issues) within the Water & Sewer Fund.
 - (5) The committee will not make recommendations on how to perform projects, their priority, or which consultant or contractor is hired within the Water & Sewer Fund.

-
- (b) Membership. The committee will consist of between 6-8 members. The town will strive to maintain an even balance between in-town and out-of-town water/sewer customers, or as close as is reasonable possible.
 - (c) Terms. Committee Members will serve staggered four-year terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired.
 - (e) Staff. The Utilities Administrative division shall provide staff support to the water and sewer advisory committee.
 - (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
 - (g) Quorum. A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff and ex officio members are not qualified to vote.
 - (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.
 - (i) Compensation. Members shall serve without material compensation.

Sec. 3-70. Tourism Board.

- (a) Powers and Duties. The Tourism Board shall promote tourism within the Town of Hillsborough, subject to the provisions of chapter 449 of the 1993 Session Laws and the provision of this article.
- (b) Membership. There is hereby established a Hillsborough Tourism Board composed of nine members appointed by the Board of Commissioners. One member shall be a member of the Board of Commissioners. One member shall be a member of the Hillsborough Area Chamber of Commerce and shall be chosen by the Board of Commissioners from nominees submitted by the board of directors of the Hillsborough Area Chamber of Commerce. Four members shall be owners or operators of restaurants in Hillsborough that are affected by the prepared food and beverage tax. One member shall be chosen by the town board from nominees submitted by the Alliance for Historic Hillsborough, Inc. One individual may be selected to represent more than one of the four groups or organizations listed in this section (i.e., if a restaurant owner were nominated by the Chamber of Commerce, his selection would satisfy the representation criteria for two of the groups listed in this section). The remaining members shall either reside within the town, own property within the town, or have a principal place of employment within the town.
- (c) Terms. Members of the Tourism Board shall serve two-year staggered terms. Initially, five members shall be appointed for two-year terms, beginning January 1, 1994. Members may continue to serve until their successors are appointed and qualified, even if this extends their terms. A vacancy shall be filled for the unexpired term of the member whose seat has

become vacant. Members who are selected to represent one of the four groups specified in subsection (b) of this section may continue to serve their full terms regardless of whether they continue to be affiliated with the organization or group they originally represented. Members may be appointed to three successive two-year terms. Following service for three successive two-year terms, a member may not be reappointed until an interval of at least two years has passed.

- (d) Meetings. The board shall meet at least quarterly on call of the chair or of any three members. All meetings shall be administered in accordance with the Open Meetings Law.
- (e) Quorum. A quorum for the board shall consist of five members if there are no vacant seats, four members if there are one or two vacant seats, and three members if there are three or more vacant seats. All actions of the board shall be taken by majority vote, a quorum being present.
- (f) Rules of Procedure. The board shall adopt rules and regulations governing its procedures not inconsistent with the provisions of this article.
- (g) Members shall serve without compensation.
- (h) The board shall receive from the town the net proceeds of the prepared food and beverage tax and, after deducting the cost of its annual audit, shall allocate the remaining proceeds to be used for the purposes listed below. The board shall allocate proceeds each year for purposes stated in both subsections (1) and (2) below. The purposes are:
 - (1) To provide visitor services, including any of the following:
 - a. Operation of a center where visitors can be provided with information about the community, about facilities and businesses in it, and points of historical or cultural interests.
 - b. Production and distribution of a free directory of restaurants to include the name, address, and phone number of each restaurant in the town.
 - c. Production and distribution of pamphlets, film clips, and other informational materials on the community.
 - d. Advertising the town and publicizing special events in it.
 - e. Doing market research pertaining to tourism.
 - f. Responding to mail and telephone inquiries submitted by visitors or potential visitors.
 - g. Providing other services to visitors designed to make their stay pleasant and instructive.
 - (2) To provide facilities, programs, and services designed to attract tourists to the town.
- (j) The town board retains its authority to establish minimum or maximum allocations of proceeds for specific purpose, provided, however, that the town board may not authorize

the use of the tax proceeds for any purpose other than those provided in subsections (h)(1) and (h)(2) of this section.

- (k) The board may expend funds only for a public purpose, and all funds derived from the prepared food and beverage tax shall be received, held, appropriated, disbursed, and accounted for in accordance with the provisions of the Local Government Budget and Fiscal Control Act. Provided, however, that the Tourism Board shall not purchase any real property, nor shall it spend more than \$5,000 for any purpose stated in subsection (h)(2) above except with the town board's prior approval.
- (l) The board shall report quarterly and at the close of the fiscal year to the Board of Commissioners on its receipts and expenditures for the preceding quarter and fiscal year in such detail as the town board may require.

Sec. 3-71. Hillsborough Tourism Development Authority: Appointment and membership.

- (a) The Tourism Development Authority is hereby created, which shall be a public authority under the Local Government Budget and Fiscal Control Act.
 - (b) Membership. The Tourism Development Authority shall consist of three members appointed by the Board of Commissioners, two of whom shall also be members of the Tourism Board. Members need not reside within the town, but at least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town.
 - (c) Terms. Subject to subsection (d), members shall be appointed for terms of one year. The initial terms of all appointees shall expire on January 31 of the year that follows the initial appointments. Subsequent terms shall run from February 1 of one year to January 31 of the following year. Vacancies shall be filled for the remainder of the unexpired term. Members may be appointed to up to six consecutive one-year terms.
 - (d) Members shall serve at the pleasure of the Board of Commissioners and may be removed by the board at any time with or without cause.
 - (e) Members shall serve without compensation.
- (Ord. No. 20120409-10.B, § 1, 4-9-2012)

Sec. 3-72. Meetings of Tourism Development Authority.

- (a) The Tourism Development Authority shall meet as necessary to carry out its powers and duties as specified below. All meetings shall be held in conformity with the Open Meetings Law.

-
- (b) A quorum for the Tourism Development Authority shall consist of three members, except that if one seat is vacant, a quorum shall consist of two members. All actions of the Tourism Development Authority shall be taken by majority vote, a quorum being present.
 - (c) Upon the initial appointment of members to the Tourism Development Authority and upon the commencement of each new term, the Board of Commissioners shall appoint one member to serve as chair of the Tourism Development Authority during that term. If a vacancy occurs during a term, the board shall designate another member to serve as chair for the remainder of that term. The chair may take part in all deliberations and vote on all issues.

(Ord. No. 20120409-10.B, § 1, 4-9-2012)

Sec. 3-73. Powers and duties of the Tourism Development Authority.

- (a) The Tourism Development Authority shall expend the net proceeds of the tax levied under Chapter 8A for the purposes provided in section 8A-4. The authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town. The town's finance officer shall serve ex officio as the finance officer for the Tourism Development Authority.
- (b) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.
- (c) The Tourism Development Authority may not, without the prior approval of the town board, purchase any real estate, nor may it spend more than \$5,000 for any item covered by section 8A-4 without the prior approval of the town board.

Secs. 3-74 – 3.79. Reserved.

ARTICLE IX. MISCELLANEOUS

Sec. 3-80. Oaths and bonds of officers and employees.

Sec. 3-81. Absences or disabilities.

Sec. 3-82. Automatic resignation when appointees no longer qualify.

Sec. 3-83. Disposal of surplus personal property of the town.

Sec. 3-84. Manager's authority to purchase apparatus, supplies, materials or equipment.

Sec. 3-85. Malt beverages, unfortified wine, fortified wine and mixed beverages on Sunday mornings.

Secs. 3-86—3-99. Reserved.

[This is just a rearrangement – no change to the text of these sections.](#)



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Dec. 12, 2022
Department: All
Agenda Section: Regular
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Department Heads

ITEM TO BE CONSIDERED

Subject: Staff (written reports in agenda packet)

Attachments:

Monthly departmental reports

Summary:

N/A

Financial impacts:

N/A

Staff recommendation and comments:

None.

Action requested:

Accept reports.



Administrative Services Report

November 2022

Budget

- FY24 Budget Kickoff was November 9.
- Capital Improvement Plan requests are due December 9.

Communications

- Town materials — Added FAQs to website on display of flags.
- Website — Added capability for sitewide banner page alerts; made code improvements to the town facilities reservation system to match security features of the rest of the website; replaced web server with one that has all software freshly installed and up to date; organized code to facilitate the website being maintained by a contractor. Web developer/assistant communications manager resigned his position, with last day to be Dec. 6.
- Utilities outreach — Drafted Q&A to be added to website on black residue in water fixtures.
- Other — Reserved Whitted Human Services Center rooms for community engagement meeting on safety for 3 to 5 p.m. April 29.

Fleet Maintenance

- No updates.

Human Resources/Town Clerk

- Processed biweekly payrolls.

RECRUITMENT AND SELECTION	
Position	Status
Finance Director	Open until filled. Assessment center scheduled 12/9.
Planner	Recruitment closed. Start date 1/3/2023
Plant Maintenance Mechanic I	Recruitment closed. Start date 12/19
Police Officer	Continuous recruitment.
Utility Maintenance Technician I (Locator)	Open until filled.
Utility Systems Mechanic trainee, I, II, or III	Open until filled.
Wastewater Plant Operator I, II, or III	Recruitment closed. Start date 12/5.
Water Plant Operator I, II, or III (night shift)	Open until filled.

Information Technology

- No updates.

Safety and Risk Management

- Inspections — Completed annual fire extinguisher audit for entire town including all departments and facilities. Inspections at Gold Park, Turnip Patch Park, Murray Street Park, Hillsborough Heights Park, Cates Creek Park and forwarded recommendations (work orders). Forwarded safety inspection results to departments.
- Meetings — HR Team Meetings, Division Meetings, Budget kickoff.

- Random drug screens — On target for 4th quarter drug screens random FMCA drug screens and completed pre-hire drug screens - breath alcohol test performed.
- Safety Committee — All available safety committee members completed/updated safety audits for water plant and public works departments. Working on completion of incident reviews and working on inspection requirements with Safety Committee members.
- Safety equipment — Stocked/distributed/ordered safety gear generally and extra gear for parade and distributed updated safety wear and supplies.
- Other — Participated in the department's file organization effort. Working on NCDOL Star annual report. Worked on employee training schedule, workers compensation claims, and general duties concerning Highway 86 building renovation and collected fire extinguisher monthly check sheets.



Public Works Report: November 2022

Work Orders

11 completed within two days

Public Spaces

69.5 staff hours

Cemetery

2 graves marked, and 4 monuments were marked

Stormwater Maintenance

Training

1 staff attended Trenching Competent Person training through ITRE

Special Events:

Installed and removed banners for Veteran's Day – 12 staff hours, Installed Holiday Décor – 32 staff hours

Asphalt Repairs:

4 Utility Cuts repaired

Leaf Collection

59 loads of leaves